

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA** )

v. )

**(1) CHRISTOPHER N. CONDRON and  
(2) JESSICA METIVIER,** )

**Defendants.** )

**CRIMINAL NO.** 17-10243

**VIOLATIONS:**

**Conspiracy to Defraud the United States  
With Respect to Claims  
(18 U.S.C. § 286)**

**Wire Fraud  
(18 U.S.C. § 1343)**

**Aiding and Abetting  
(18 U.S.C. § 2)**

**Forfeiture Allegation  
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.  
§ 2461)**

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Indictment:

**Individuals and Entities**

1. Defendant CHRISTOPHER N. CONDRON (“COND RON”) was an individual who resided in Acton, Massachusetts.
2. Defendant JESSICA METIVIER (“METIVIER”) was an individual who resided in Acton, Massachusetts. CONDRON and METIVIER resided together.
3. “The Attorney” was a Massachusetts-based attorney.

4. “Person A” was one of CONDRON’s close family members.

5. Acton Bio Energy, LLC (“Acton Bio”) was a Massachusetts limited liability company (“LLC”) created in or about August 2009 that purported to be located in Acton, Massachusetts. METIVIER was Acton Bio’s manager and sole member.

6. C2C Incorporated, also known as C2C Solutions (“C2C”) purported to be an entity that CONDRON owned and purported to be located in Osterville, Massachusetts.

7. Concord Nurseries, LLC (“Concord Nurseries”) was a Massachusetts LLC created in or about July 2010 that operated a nursery business in Concord, Massachusetts. METIVIER was the primary owner of Concord Nurseries.

8. “The Emerald Group” purported to be an entity that Person A owned and purported to be located in Osterville, Massachusetts.

9. Industrial Supplies, LLC (“Industrial Supplies”) was a Delaware LLC created in or about December 2011. In or about January 2012, Industrial Supplies was registered in Massachusetts as a foreign LLC that purported to be located in Ashland, Massachusetts. The registered agent for Industrial Supplies in Massachusetts was Person A.

10. Kansas Green Energy, LLC (“KGE”) was a Massachusetts LLC created in or about October 2011 that purported to be located in Wareham, Massachusetts. The sole member of KGE was METIVIER.

11. Ocean Wave Energy, LLC (“OWE”) was a Delaware LLC created in or about December 2011. OWE was registered in Massachusetts as a foreign LLC in or about January 2012 that purported to be located in Hyannis, Massachusetts. The registered agent for OWE in

Massachusetts was METIVIER.

**Section 1603 of the American Recovery and Reinvestment Act of 2009**

12. Under Section 1603 of the American Recovery and Reinvestment Act of 2009, also known as the “Recovery Act,” an individual or business who placed a “specified energy property” into service in a trade or business was eligible for a tax-free grant from the U.S. Department of Treasury (“Treasury”). The purpose of the Section 1603 grant was to reimburse eligible applicants for a portion of the cost of installing specified energy property used in a trade or business.

13. Under Section 45 of the Internal Revenue Code, “specified energy property,” the type of property eligible for a Section 1603 grant (hereinafter, the “Energy Property”) included an “open-loop biomass facility,” a “trash facility,” and “small wind energy property.” In general, an open-loop biomass facility converted solid, non-hazardous waste such as wood chips into “biofuel” that could be used in a biofuel generator to produce electricity. Similarly, a trash facility converted municipal solid waste into biofuel. The piece of equipment that converted the waste into biofuel was referred to as a “gasifier” or a “gasifier reactor” and, together with related equipment, as a “gasification system.” In general, “small wind energy property” included certain wind turbines that produce electricity, a large group of which was commonly referred to as a “wind farm.”

14. Potential recipients of Section 1603 grants submitted applications online through an internet-based portal. The applications were submitted under the penalties of perjury and required supporting documentation. Among other things, applicants were required to identify

the type of Energy Property, the physical location of the Energy Property and the specific date on which the Energy Property had been placed into service. To support this claim, the applicant was further required to submit a “commissioning report,” a signed and dated statement from the project engineer, the Energy Property vendor, or an independent third party declaring that the property had been installed, tested and was ready and capable of being used for its intended purpose.

15. For Energy Property with a cost basis of \$500,000 or more, Section 1603 grant applicants were also required to submit an “independent accountant’s certification” (also known as an “independent accountant’s report”) with a detailed cost breakdown of the Energy Property that the applicant had acquired.

16. Treasury personnel and qualified professionals at the National Renewable Energy Laboratory (“NREL”), a government-owned, contractor-operated facility based in Colorado, reviewed the applications. Under the terms of the Section 1603 grant program, applicants were also required to submit responses to questions posed by Treasury or NREL personnel and to submit additional documentation upon request.

17. If approved, Treasury wired the U.S. government funds to the applicant’s bank account but required the applicant to submit annual reports, for a period of five years after the project was placed into service, to certify the status and use of the Energy Property, including that the property continued to qualify as specified energy property.

**The Conspiracy and the Scheme to Defraud**

18. It was a purpose and a goal of the conspiracy and the scheme to defraud to obtain

government funds through false and fraudulent applications to the Section 1603 grant program.

**Manner and Means of the Conspiracy and the Scheme to Defraud**

19. Among the manner and means by which CONDRON and METIVIER sought to accomplish the objects of the conspiracy and of the scheme to defraud were the following:

20. CONDRON and METIVIER together hired the Attorney to submit Section 1603 grant applications to Treasury seeking more than \$50 million in Section 1603 grants on behalf of companies that the Attorney created for METIVIER: Acton Bio, Concord Nurseries, KGE, and OWE.

21. CONDRON and METIVIER obscured the true nature of CONDRON's involvement in the Section 1603 grant applications from Treasury by having only METIVIER's name associated with each of the applicant entities.

22. For each of four Section 1603 grant applications, CONDRON and METIVIER falsely claimed that METIVIER and her entities had acquired, placed into service, or started construction of Energy Property, and submitted, or caused to be submitted, false and fraudulent documents to Treasury, including commissioning reports, invoices, and financing agreements that falsely claimed that the applicant entities had purchased Energy Property - at specified prices and pursuant to financing agreements - that had been placed into service.

**Acts in Furtherance of the Conspiracy and the Scheme to Defraud**

23. In furtherance of the conspiracy and the scheme to defraud the following acts, among others, were committed in the District of Massachusetts and elsewhere:

**A. Acton Bio**

24. In or about May 2009, CONDRON and METIVIER asked the Attorney to assist with the submission of a Section 1603 application to Treasury for a grant for a gasification system that was purportedly producing electricity for a gravel supplier in Acton, Massachusetts (the “gravel supplier”).

25. On or about August 24, 2009, CONDRON emailed an unsigned commissioning report to the Attorney that falsely claimed that CONDRON’s purported company, C2C, had sold METIVIER and her company, Acton Bio, a gasification system for \$2,935,000, and that the gasifier was in service at the gravel supplier. In fact, Acton Bio had not purchased a gasifier from C2C.

26. On or about September 29, 2009, the Attorney submitted an online Section 1603 grant application to Treasury on behalf of Acton Bio. The application falsely claimed that Acton Bio had acquired a gasification system that had been placed into service at the gravel supplier by August 10, 2009, and that the gasification system had a cost basis of approximately \$2,935,000. The grant application requested a grant of \$880,500.

27. In or about October and November 2009, after Treasury denied the first application for failing to include an independent accountant’s report, METIVIER submitted documents to a local accounting firm that falsely claimed that Acton Bio had purchased a gasifier, generators and equipment from C2C for approximately \$3.1 million.

28. On or about December 17, 2009, the Attorney submitted a renewed Section 1603 grant application to Treasury with the independent accountant’s report.

**B. Concord Nurseries**

29. On or about April 29, 2011, the Attorney submitted an online Section 1603 grant application to Treasury on behalf of Concord Nurseries. The application falsely claimed that Concord Nurseries had purchased a gasification system from Person A and the Emerald Group that had been placed into service at Concord Nurseries in Concord, Massachusetts by November 15, 2010. The application claimed the gasification system had a cost basis of \$26,787,532 and requested a grant of \$8,036,260. In fact, Concord Nurseries had not purchased a gasifier from Person A and the Emerald Group.

30. In support of the application, CONDRON provided the Attorney with a commissioning report purportedly from the Emerald Group that Person A signed that falsely claimed that the Emerald Group had verified the installation of the gasification system at Concord Nurseries.

31. In further support of the application, CONDRON and METIVIER obtained an independent accountant's report from the local accounting firm by providing the firm with a bill of sale for a turnkey gasifier for biomass products. The bill of sale that METIVIER and Person A signed falsely claimed that Concord Nurseries had purchased a "turn key gasifier for Bio Mass Products" from Person A, doing business as the Emerald Group, for approximately \$26 million. The bill of sale included a promissory note indicating that Concord Nurseries had promised to pay the Emerald Group \$26.7 million over 20 years. In fact, Concord Nurseries had not purchased a gasifier from Person A and the Emerald Group.

**C. Kansas Green Energy**

32. On or about July 10, 2012, the Attorney submitted an online Section 1603 grant application to Treasury on behalf of KGE. The application falsely claimed that KGE had purchased a trash gasification facility from the Emerald Group that had been placed into service at KGE in Wareham, Massachusetts by December 30, 2011. The application claimed the trash facility had a cost basis of \$58,701,305 and requested a grant of \$17,641,571.

33. In support of the application, CONDRON provided the Attorney with a commissioning report purportedly from Industrial Supplies signed by Person A. The commissioning report falsely claimed that Industrial Supplies had sold KGE a “trash gasification system” and that Industrial Supplies had installed, testified, and certified the operation of the trash gasification system at the KGE location in West Wareham, Massachusetts.

34. In further support of the application, CONDRON and METIVIER obtained an independent accountant’s report from the local accounting firm by providing the firm with a “Report of Management on Eligible Cost Basis” from KGE that METIVIER signed that falsely claimed that a “Trash Gasification System” had been assembled and installed at KGE and that the system had a cost basis of \$58,805,207.

35. On or about September 25, 2012, the Attorney submitted a renewed Section 1603 grant application to Treasury on behalf of KGE. The application again falsely claimed that the trash gasification facility KGE had purportedly purchased from the Emerald Group had been placed into service at KGE in Wareham, Massachusetts by December 30, 2011, and requested a grant of \$17,641,571.



36. On or about November 11, 2012, the Attorney submitted a purported “Promissory Note and Security Agreement” to Treasury on behalf of KGE. The document falsely claimed that the borrower, KGE, had promised to pay the lender, Person A, doing business as the Emerald Group, approximately \$57 million with an obligation to make monthly payments of approximately \$293,000.

37. On or about January 11, 2013, CONDRON caused the Attorney to respond to a request for information from a reviewer at NREL by falsely indicating that Person A had significant alternative energy experience and had sold the gasification systems to both Concord Nurseries and KGE. In fact, Person A had no alternative energy experience and had not sold any gasification systems.

**D. Ocean Wave Energy**

38. On or about September 28, 2012, the Attorney submitted an online Section 1603 Grant application to Treasury on behalf of OWE. The application claimed that OWE had started construction of a wind-farm project comprising 58 small wind turbines in Hyannis, Massachusetts by December 30, 2011, and that the small wind energy property had a cost basis of \$84,015,900. The application requested a grant of \$25,204,770.

39. In support of the application, CONDRON provided the Attorney a letter that falsely claimed that Industrial Supplies had installed two wind turbines at OWE’s location in Hyannis, Massachusetts aboard a floating barge.

40. On or about April 17, 2013, CONDRON caused the Attorney to submit a false and fraudulent response to a request for information from a reviewer at NREL affirming that

Person A was the vendor for the wind turbines for OWE. In fact, Person A was not the vendor for any wind turbines.

**COUNT ONE**

**(18 U.S.C. § 286 - Conspiracy to Defraud the United States With Respect to Claims)**

41. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 40 of this Indictment and further charges that:

42. From in or about May 2009 and continuing until in or about June 2013, in the District of Massachusetts and elsewhere, the defendants,

**(1) CHRISTOPHER N. CONDRON and  
(2) JESSICA METIVIER,**

conspired with each other and with others known and unknown to the Grand Jury to defraud the United States and a department and agency thereof, that is the U.S. Treasury Department, by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims for monetary grants under Section 1603 of the Recovery Act.

All in violation of Title 18, United States Code, Section 286.

**COUNTS TWO THROUGH FOUR**  
**(U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 2 – Aiding and Abetting)**

43. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 40 of this Indictment and further charges that:

44. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendants,

**(1) CHRISTOPHER CONDRON and**  
**(2) JESSICA METIVIER,**

together with others known and unknown to the Grand Jury, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, as set forth below:

<b>Count</b>	<b>Approximate Date/Time</b>	<b>Wire</b>
2.	September 28, 2012	Section 1603 grant application number 2012E48WE214854 submitted online to Treasury on behalf of OWE for \$25,204,770, regarding “small wind energy property.”
3.	January 11, 2013	Response, submitted online to Treasury, to a January 7, 2013 request for information from NREL about background and qualifications of Person A.
4.	April 17, 2013	Response, submitted online to Treasury, to a March 27, 2013 request for information from NREL about Person A’s role in the OWE wind farm project.

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

**FORFEITURE ALLEGATION**  
**(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))**

The Grand Jury further charges that:

45. Upon conviction of one or more of the offenses alleged in Counts Two through Four in the Indictment, the defendants,

**(1) CHRISTOPHER CONDRON and**  
**(2) JESSICA METIVIER,**

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to such violations. The property to be forfeited includes, but is not limited to, a sum of money equal to the total amount of proceeds traceable to the offenses.

46. If any of the property described in Paragraph 45 above, as a result of any act or omission of the defendants,


- 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;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 45.

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
Neil J. Gallagher, Jr.  
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS; August 9, 2017

Returned into the District Court by the Grand Jurors and filed.

