

1 BENJAMIN B. WAGNER
United States Attorney
2 CHRISTOPHER S. HALES
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Plaintiff
United States of America
7

**ORIGINAL
FILED**

AUG 21 2015

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOHN STEVEN KEPLINGER,
14 aka Steven John Keplinger

15 Defendant.
16

CASE NO. *2:15cr 0179 Kjm*

18 U.S.C. § 1341 – Mail Fraud (5 counts); 18 U.S.C.
§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal
Forfeiture

17 I N F O R M A T I O N

18 COUNTS ONE THROUGH FIVE: [18 U.S.C. § 1341 – Mail Fraud]

19 The United States Attorney charges:

20 JOHN STEVEN KEPLINGER,
21 defendant herein, as follows:

22 I. INTRODUCTION

23 At all times relevant to this Information:

24 1. Defendant JOHN STEVEN KEPLINGER resided in Stockton, California. Defendant
25 JOHN STEVEN KEPLINGER owned and operated entities purporting to sell used auto engines,
26 including Rising Sun Engines, Inc. (“RSE”), and later Shop 4 Engines LP and Your Parts Manager.

27 2. Victim 1 resided in Sun Valley, Nevada, and attempted to purchase an auto engine from
28 RSE in or about June 2013.

1 3. Victim 2 resided in Gonzales, Louisiana, and attempted to purchase an auto engine from
2 RSE in or about March 2013.

3 4. Victim 3 resided in Alcalde, New Mexico, and attempted to purchase an auto engine from
4 RSE in or about December 2011.

5 5. Victim 4 resided in Trinity, Texas, and attempted to purchase an auto engine from RSE in
6 or about May 2013.

7 6. Victim 5 resided in Placentia, California, and attempted to purchase an auto engine from
8 RSE in or about March 2012.

9 **II. SCHEME TO DEFRAUD**

10 7. From at least in or about January 2010 to in or about May 2014, in the State and Eastern
11 District of California, and elsewhere, the defendant, JOHN STEVEN KEPLINGER, knowingly devised
12 and intended to devise a material scheme and artifice to defraud and to obtain money by means of
13 materially false and fraudulent pretenses, representations, and promises in violation of Title 18, United
14 States Code, Section 1341. As a result of the fraud, defendant JOHN STEVEN KEPLINGER obtained
15 approximately \$470,000.00 to which he was not entitled.

16 **III. WAYS AND MEANS**

17 In furtherance of the scheme and artifice to defraud and/or to conceal the same, defendant JOHN
18 STEVEN KEPLINGER employed, among other things, the following ways and means:

19 8. Defendant JOHN STEVEN KEPLINGER took over as owner of RSE in 2006. Before
20 that time, RSE was a business that had imported used engines from Japan for resale in the United States.
21 Not long after defendant JOHN STEVEN KEPLINGER took over RSE, RSE stopped importing used
22 engines from Japan altogether. United States Customs and Border Protection records reflect that the last
23 shipment of engines from Japan to RSE arrived in 2007. Nevertheless, for many years thereafter,
24 through at least early 2013, RSE continued to advertise falsely that it sold used auto engines imported
25 from Japan.

26 9. Defendant JOHN STEVEN KEPLINGER rented server space and arranged for RSE to
27 maintain a website on the internet with the uniform resource locator (“URL”)
28 www.risingsunengines.com. The RSE website was the primary means by which most RSE customers

1 learned of RSE and commenced the process of trying to purchase a replacement engine.

2 10. Between at least January 2010 and October 2013, defendant JOHN STEVEN
3 KEPLINGER accepted orders from over 300 customers throughout the United States seeking
4 replacement engines for their Japanese made vehicles from RSE who were defrauded. These included
5 customers from Alaska, Alabama, Arkansas, Arizona, California, Colorado, the District of Columbia,
6 Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland,
7 Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Nebraska,
8 Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina,
9 South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

10 11. When RSE received an order from a customer, defendant JOHN STEVEN KEPLINGER
11 would typically send an email to the customer from one of the RSE email addresses connected to its web
12 domain (skep@risingsunengines.com, sales@risingsunengines.com, and info@risingsunengines.com)
13 enclosing a prepaid United Parcel Service (UPS) label. The customer would typically print the UPS
14 label, mail an envelope containing a personal or cashier's check in the envelope from a UPS mailbox or
15 UPS store to RSE, and then await shipment of the engine. Defendant JOHN STEVEN KEPLINGER
16 would ordinarily be responsive to customer phone calls and inquiries up to the time that the customer
17 paid. Once a customer had paid, however, defendant JOHN STEVEN KEPLINGER would typically
18 stop responding to the customer's calls, inquiries, and complaints. After JOHN STEVEN KEPLINGER
19 accepted payment on behalf of RSE, RSE either sent the customer no engine at all, or sent the customer
20 a defective engine obtained in the United States, often from a junkyard.

21 12. Victim 1 from Nevada attempted to purchase a used engine from RSE in or about June
22 2013. On or about June 20, 2013, defendant JOHN STEVEN KEPLINGER emailed Victim 1 thanking
23 Victim 1 for his order and attaching a copy of the invoice. On or about June 25, 2013, defendant JOHN
24 STEVEN KEPLINGER emailed Victim 1 a pre-paid UPS label and instructed Victim 1 to use it to send
25 payment for the engine; in the email defendant JOHN STEVEN KEPLINGER also stated falsely, "Parts
26 arriving this week and we'll get this order shipped to the terminal." On or about June 27, 2013, Victim
27 1 sent his engine payment, in the form of a personal check, via UPS to RSE. Victim 1 never received
28 the engine for which he paid. Victim 1 never received a refund from RSE.

1 13. Victim 2 from Louisiana attempted to purchase a used engine from RSE in or about
2 March 2013. On or about March 25, 2013, defendant JOHN STEVEN KEPLINGER emailed Victim 2
3 thanking Victim 2 for his order and attaching a copy of the invoice. On the same day, March 25, 2013,
4 defendant JOHN STEVEN KEPLINGER emailed Victim 2 a pre-paid UPS label and instructed Victim
5 2 to use it to send payment for the engine. On or about March 27, 2013, Victim 2 sent his engine
6 payment, in the form of a check from his business account, via UPS to RSE. Victim 2 never received
7 the engine for which he paid. Victim 2 never received a refund from RSE.

8 14. Victim 3 from New Mexico attempted to purchase a used engine from RSE in or about
9 December 2011. On or about December 14, 2011, defendant JOHN STEVEN KEPLINGER emailed
10 Victim 3, via the email address of Victim 3's employer at the time, a pre-paid UPS label and instructed
11 Victim 3 to use it to send payment for the engine. On or about December 14, 2011, Victim 3 sent his
12 engine payment, in the form of a cashier's check, via UPS to RSE. Victim 3 never received the engine
13 for which he paid. Victim 3 never received a refund from RSE.

14 15. Victim 4 from Texas attempted to purchase a used engine from RSE in May 2013. On or
15 about May 23, 2013, defendant JOHN STEVEN KEPLINGER emailed Victim 4 thanking Victim 4 for
16 his order and attaching a copy of the invoice. On or about May 24, 2013, defendant JOHN STEVEN
17 KEPLINGER emailed Victim 4 a pre-paid UPS label and instructed Victim 4 to use it to send payment
18 for the engine. On or about May 26, 2013, Victim 4 sent his engine payment, in the form of a personal
19 check, via UPS to RSE. Victim 4 never received the engine for which he paid. Victim 4 never received
20 a refund from RSE.

21 16. Victim 5 from California attempted to purchase a used engine from RSE in March 2012.
22 On or about March 14, 2012, defendant JOHN STEVEN KEPLINGER emailed Victim 5 thanking
23 Victim 5 for his order and attaching a copy of the invoice. On or about the same day, March 14, 2012,
24 defendant JOHN STEVEN KEPLINGER emailed Victim 5 a pre-paid UPS label and instructed Victim
25 5 to use it to send payment for the engine. On or about March 28, 2012, Victim 5 sent his engine
26 payment, in the form of a personal check, via UPS to RSE. Victim 5 never received the engine for
27 which he paid. Victim 5 never received a refund from RSE.

28 17. On August 5, 2013, the San Joaquin County District Attorney's Office sought a

1 Temporary Restraining Order (TRO) against defendant JOHN STEVEN KEPLINGER, and a Superior
2 Court Judge ordered the following:

3 “Rising Sun Engines, Inc. and Steven John Keplinger and their officers,
4 agents, employees, representatives, and all persons acting in concert, or
5 participating with them or at the direction of any of them, are immediately
6 restrained and enjoined from engaging in or performing, directly or
7 indirectly, any and all of the following acts and omissions... e. Operating,
8 maintaining, owning, or leasing any website including but not limited to
www.risingsunengines.com which promotes the sale of engines for
automobiles. Any website presently promoting such activity including but
not limited to www.risingsunengines.com is to be immediately terminated,
shut down and removed from the internet”

9 In disregard of this lawful order, on August 13, 2013, defendant JOHN STEVEN KEPLINGER emailed
10 his RSE website designer and directed that the RSE website be replaced with a similar website
11 www.shop-4-engines.com, for defendant JOHN STEVEN KEPLINGER’s new business, Shop 4
12 Engines LP. Defendant JOHN STEVEN KEPLINGER continued the fraud scheme under this new
13 company name in a similar manner, by continuing to accept payment for used engines while typically
14 sending no engine at all to the paying customers.

15 18. In or about 2014, defendant JOHN STEVEN KEPLINGER also commenced doing
16 business accepting auto engine orders under the business name Your Parts Manager, utilizing a website
17 with the URL www.yourpartsmanager.com. Defendant JOHN STEVEN KEPLINGER continued the
18 fraud scheme in a similar manner through at least May 2014 under this company name as well,
19 accepting payments for used engines but then typically sending his customers no engine at all.

20 **IV. MAILINGS**

21 On or about the dates listed below, in the State and Eastern District of California, for the purpose
22 of executing such scheme and artifice to defraud, and attempting to do so, defendant JOHN STEVEN
23 KEPLINGER, and others known and unknown to the United States Attorney, did knowingly deposit and
24 cause to be deposited matter and things whatever to be sent and delivered by any private and
25 commercial interstate carrier according to the directions thereon, all as further specified below:

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27 ///
28 ///

Count	Date	Sender	Recipient	What was Sent
1	6/27/13	Victim 1 Sun Valley, NV	Rising Sun Engines, Inc. Stockton, CA	Personal check #1432 sent via United Parcel Service
2	3/27/13	Victim 2 Prairieville, LA	Rising Sun Engines, Inc. Stockton, CA	Check #5158 from business account sent via United Parcel Service
3	12/14/11	Victim 3 Alcalde, NM	Rising Sun Engines, Inc. Stockton, CA	Cashier's check sent via United Parcel Service
4	5/26/13	Victim 4 Huntsville, TX	Rising Sun Engines, Inc. Stockton, CA	Personal check #2487 sent via United Parcel Service
5	3/28/12	Victim 5 Placentia, CA	Rising Sun Engines, Inc. Stockton, CA	Personal check #1093 sent via United Parcel Service

All in violation of Title 18, United States Code, Sections 2 and 1341.

FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture]

1. Upon conviction of one or more of the offenses alleged in Counts One through Five of this Information, defendant JOHN STEVEN KEPLINGER shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, which constitutes or is derived from proceeds traceable to such violations, including but not limited to:

a. A personal forfeiture money judgment in the amount of \$100,000.00.

2. If any property subject to forfeiture, as a result of the offenses alleged in Counts One through Five of this Information, for which defendant is convicted:

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

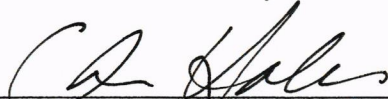
divided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to

1 seek forfeiture of any other property of said defendant, up to the value of the property subject to
2 forfeiture.

3 Dated: *August 21, 2015*

BENJAMIN B. WAGNER
United States Attorney

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5 By: 
6 CHRISTOPHER S. HALES
Assistant United States Attorney

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