

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF ROGERS  
STATE OF OKLAHOMA**

FILED IN THE DISTRICT COURT  
ROGERS COUNTY OKLAHOMA

APR 24 2015

KIM HENRY, COURT CLERK  
*KH*  
DEPUTY

STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
vs. )

Case No. CF-15-251

**KIRT LANNON THACKER,**  
DOB 06/19/1969 SSN: 441-82-7859  
LKA: 29275 S. 4230<sup>th</sup> Road, Inola, OK  
Defendant.

) Punishment: 21 O.S. § 1451(B)(3) & (4):  
) Count 1: Not more than ten (10) years imprisonment and a fine not to  
) exceed \$10,000.00, together with restitution to the victim.  
) Count 2: Not more than 5 years imprisonment and a fine not to exceed  
) \$5,000.00, together with restitution to the victim.

**INFORMATION**

In the name and by the authority of the State of Oklahoma, E. Scott Pruitt, Attorney General of Oklahoma, by and through Charles S. Rogers, Senior Assistant Attorney General, on his official oath gives this Honorable Court to know and be informed that in Rogers County, State of Oklahoma, **KIRT LANNON THACKER, a.k.a. KIRT THACKER**, "Defendant" herein, did then and there unlawfully, willfully, knowingly, fraudulently, and feloniously, commit the crimes of:

**COUNT 1: EMBEZZLEMENT OF COUNTY PROPERTY (VALUE GREATER THAN \$25,000.00), 21 O.S. §1451**

During a period commencing on or about the 21<sup>st</sup> day of June, 2011, through and including the 22<sup>nd</sup> day of July, 2011, A.D., the crime of **EMBEZZLEMENT OF COUNTY PROPERTY OF A VALUE GREATER THAN \$1,000.00** was committed in Rogers County, Oklahoma by the Defendant, **KIRT LANNON THACKER, a.k.a. KIRT THACKER**. That is to say that within said time period and within the aforesaid County and State, the said Defendant was the duly-elected and -qualified County Commissioner for District 3, Rogers County, Oklahoma, and that, as such, had been entrusted with lawful possession, control, and custody of certain equipment owned by Rogers County, Oklahoma, for use in building county roads and highways in Rogers County and not for personal use, *to-wit*:

- one (1) Komatsu Model d39ex bulldozer,
- one (1) John Deere Model 200dlc track hoe, and
- one (1) portable fuel tank used for transporting and containing diesel fuel required for the operation of said bulldozer and track hoe.

That is to further say that within the aforesaid time period and within said County and State, the aforesaid Defendant did personally lease certain farm property, a portion of which was located at the Northeast corner of the intersection of NS 4230 Road and EW 590 Road, Rogers County, Oklahoma, and upon which was located a certain stock pond situated near the aforesaid intersection of roads. That on or about the 21<sup>st</sup> day of June, 2011, and within said County and State, the said Defendant did direct a county employee under the Defendant's direct control and supervision to deliver the aforesaid County-owned equipment to the Defendant's aforesaid farm property where the said Defendant did maintain exclusive control and custody of said County equipment and did then and there periodically use the same to build an additional stock pond and other improvements without authority of law nor agreement or approval from the Board of County Commissioners of Rogers County, through and including the 22<sup>nd</sup> day of July, 2011, and during said time period said Defendant did then and there willfully, intentionally, fraudulently, and feloniously misappropriate and convert said County property to his personal use, the rental value of said equipment for said time period being in excess of Twenty-five Thousand Dollars (\$25,000.00), all the aforesaid being done contrary to and not in accordance with the trust imposed in him regarding such County-owned property, all in violation of Section 1451(A) of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

**COUNT 2: EMBEZZLEMENT OF COUNTY EQUIPMENT, MATERIALS AND LABOR (VALUE GREATER THAN \$1,000.00) , 21 O.S. §1451**

On or about the 29<sup>st</sup> day of May, 2012, A.D., the crime of **EMBEZZLEMENT OF COUNTY COUNTY EQUIPMENT, MATERIALS AND LABOR OF A VALUE GREATER THAN \$1,000.00** was committed in Rogers County, Oklahoma by the Defendant, **KIRT LANNON THACKER, a.k.a. KIRT THACKER**. That is to say that upon the aforesaid date, and within the aforesaid County and State, the said Defendant was the duly-elected and -qualified County Commissioner for District 3, Rogers County, Oklahoma, and that he, as such, had been provided lawful possession, control, and custody of certain County equipment and materials owned by Rogers County, Oklahoma, for use in building county roads and highways and not for private use, *to-wit*, numerous items of County-owned equipment, including:

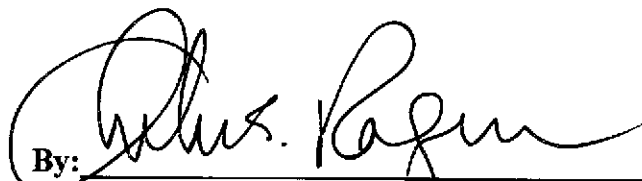
- Heavy truck #6 with a 35' boom bucket,
- Red pull truck #33 with low boy trailer #76A,
- John Deere tractor with front-end loader and box blade,
- White pull truck #32 with 28' dove tail trailer # 7,
- Case wheel loader backhoe,
- 10 wheel dump truck # 71,
- 10 wheel dump truck # 77,
- ½ ton pickup truck # 4,
- ½ ton pickup truck # 51,
- Single axle dump truck # 63,
- Vermeer brush chipper,
- Chain saws #5 and #2,

together with sufficient fuel to operate said vehicles and said equipment, and tons of road building materials including crushed stone and asphalt millings. That is to further say that upon said date and within said County and State, said Defendant had direction and control over thirteen (13) County workers who constituted the Rogers County District 3 road crew. That it is to further say that on or about the aforesaid date, and within said County and State, the said Defendant did direct the

aforesaid members of the Rogers County District 3 road crew to transport the aforesaid County materials and equipment to the Rogers County Cherokee Association headquarters located at approximately 15488 EW523 Road, Rogers County, Oklahoma, and then and there Defendant did willfully, intentionally, fraudulently, and feloniously misappropriate and convert said County equipment, labor, and materials to a use inconsistent with and contrary to, and without authority of law or approval by the Board of County Commissioners of Rogers County, by directing the reconstruction of a private road gateway and a portion of the private driveway located upon private property leading to the aforesaid Rogers County Cherokee Association headquarters; the rental value of said equipment, together with the value of the County materials used and the County labor employed thereupon being in excess of One Thousand Dollars (\$1,000.00); all the aforesaid being done contrary to and not in accordance with the trust imposed in him regarding such County labor, equipment, and materials, and all committed in violation of Section 1451(A) of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

DATED this 24<sup>th</sup> day of April, 2015.

**E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA**

By:   
\_\_\_\_\_  
**CHARLES S. ROGERS [O.B.A. # 7715]  
SENIOR ASSISTANT ATTORNEY GENERAL**

STATE OF OKLAHOMA, COUNTY OF ROGERS, SS:

Tammy L. Ferrari, of lawful age being first duly sworn, deposes and states that she has read the above and foregoing Information, knows the allegations and statement therein contained, and that the same are true.

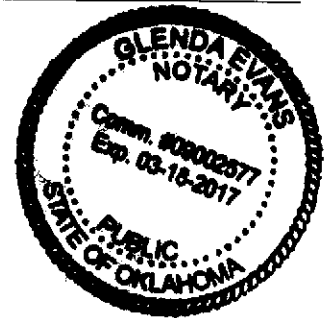
Tammy Ferrari  
Affiant

Subscribed and sworn to before me this 24 day of April, 2015.

Glenda Evans  
Notary Public

MY COMMISSION NUMBER: 09002577

MY COMMISSION EXPIRES: 3-18-17



Witnesses:

- Rodney Hakel**, 7497 E. 350 Road, Talala, OK 74080
- Dustin Hefner**, 5700 S. 4276 Road, Chelsea, OK 74016
- Grant Yates**, 11351 E. 44 Road, Claremore, OK 74017
- Jim Murphy**, 19705 E. 590<sup>th</sup> Rd, Inola, OK 74038
- The Honorable Dan DeLozier**, 3850 S. 4240 Road, Chelsea, OK 74016
- Jeannie Heidlage**, P.O. Box 326, Claremore, OK 74018
- Myron Grubowski**, 940 J.M. Davis Street, Claremore, OK 74017.
- John Mullen**, 8729 427 Road, Inola, OK 74036
- Megan Jackson, Deputy Rogers County Clerk, or other custodian of records**, Office of Rogers County Clerk, Rogers County Courthouse, Claremore, OK 74017
- Custodian of records**, County Commissioner District No. 1, 6105 S. Industrial Drive, Chelsea, OK 74016
- Custodian of records**, County Commissioner District No. 3, 2425 S. Warehouse Road, Claremore, OK 74019
- Custodian of records**, Rogers County Election Board, 415 West 1st Street, Claremore, Oklahoma 74017
- Jeremiah Daniels**, Reserve Deputy Sheriff, Rogers County Sheriff's Office, 201 S. Cherokee Street, Claremore, OK 74017
- Tammy L. Ferrari**, Special Agent, OSBI, 125 W. 15<sup>th</sup> Street, Suite, 100, Tulsa, OK 74119
- Terry Cronkite**, Agent, OAG, 313 N.E. 21<sup>st</sup> Street, Oklahoma City, OK 73105
- Aungela Spurlock**, Special Agent, OSBI, 125 W. 15<sup>th</sup> Street, Suite, 100, Tulsa, OK 74119