

**IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA**

OCT 27 2023

POTTAWATOMIE COUNTY, OK
VALERIE N. UELTZEN, COURT CLERK
BY _____ DEPUTY

STATE OF OKLAHOMA,)
)
Plaintiff,)
v.)
)
BENJAMIN LEVI MOORE)
W/M, DOB: JUNE 1987)
SSN: XXX-XX-0496)
)
Defendant.)

Case No. CF-2023-449

COUNTY OF POTTAWATOMIE)
) ss.
STATE OF OKLAHOMA)

AFFIDAVIT OF PROBABLE CAUSE

I, Kenneth Rodgers, do attest that the following is true and factual to the best of my knowledge with regard to the following information. This affidavit does not include each and every fact known to the State of Oklahoma, but only those facts necessary to support a finding of probable cause. I am currently employed as an Agent for the State of Oklahoma, Office of the Attorney General, assigned to the Consumer Protection Unit.

In September of 2022, your affiant, Agent Kenneth Rodgers, was assigned to investigate multiple consumer complaints against Benjamin Moore doing business as Moore Construction. The State of Oklahoma Office of the Attorney General, Consumer Protection Unit, had received complaints from consumers who alleged that Benjamin Moore had defrauded them of money. During the investigation, your affiant interviewed the complainants, reviewed various documents, and obtained evidence pertaining to the allegations made against Benjamin Moore. The following information was obtained during the investigation:

1. Complainant Cassandra Bratcher resides at 18750 Deer Ridge Road, Stillwater, OK 74075 in Noble County. In June 2022, Bratcher hired the defendant, Benjamin Moore (DBA Moore's Construction) to build custom cabinets, countertops, and various other projects for her residence. Between June 2022, and July 2022, Moore received a total of \$18,200.00 from Bratcher through various financial transactions (Cash App, PayPal, checks) for the project. Moore has failed to start the project, provide any materials, and has not refunded any money to Bratcher.
2. Complainant Robert Davis resides at 10092 S. HWY 99, Prague, OK 74864 in Pottawatomie County. In March 2022, Davis hired the defendant, Benjamin Moore (DBA Moore's Construction) to replace the back porch roof, build a new rear deck and various other projects for his residence for a total of \$32,800.00. A check (#323) was given to Benjamin Moore for \$16,400.00 as a 50% deposit on the projects. After giving

various excuses regarding the delay of the project, Moore eventually stopped responding to Davis. Moore has failed to start the project, provide any materials, or refund any money to Davis. All payment transactions occurred in Pottawatomie County.

3. Complainant Priscilla Caldwell resides at 99175 N. 3690 Road, Boley OK, 74829 in Okfuskee County. In November 2021, Caldwell hired the defendant Benjamin Moore (DBA Moore's Construction) to build a two-car attached garage, as well as a front porch and back steps for a total cost of **\$23,900.00**. Two wire transfers for **\$11,975.00** were wired to Moore's bank in November 2021 and January 2022. After giving various excuses made regarding the delay of the project, Moore eventually stopped responding to Caldwell. Moore has failed to start the project, provide any materials, or refund any money to Caldwell.
4. Complainant Steve Pereira resides in Hot Springs Arkansas. In January 2022 Pereira hired the defendant, Benjamin Moore (DBA Moore's Construction) to build a small house on an undeveloped parcel in LeFlore County. Pereira agreed to pay **\$13,000.00** in labor and pay whatever was needed for materials as the house was being built. Pereira made several payments to Moore by check (912), cashier's check, and Zelle over the next couple months. In total Pereira paid **\$24,657.00** to Benjamin Moore between January and March 2022. Moore went out to the property one time, to install 6 concrete pillars and never returned. Pereira attempted multiple times to contact Moore to have him complete the job, but eventually Moore stopped responding to him. Moore failed to complete the job, provide any materials or refund any money to Pereira. Check #912 was given to Moore in LeFlore County while the rest of the transactions were done through mail or Zelle.
5. Complainant Sheila Ludwick resides at 600 Celtic Circle, Yukon OK, 73099 in Canadian County. In September 2021, Ludwick hired Benjamin Moore (DBA Moore's Construction) to do projects on two houses located in Hughes County. Ludwick agreed to pay a total of **\$7,990.00** and paid **\$3,995.00** upfront. Ludwick acknowledges that some work was done on both houses. Ludwick asked for another estimate to remove and replace flooring and bathroom appliances for **\$2,250.00**. Ludwick gave Moore check #7200 for **\$1,115.00** for half of this estimate in November 2021. Moore never completed any work on the second estimate and failed to refund any money to Ludwick. All financial transactions occurred in Hughes County.
6. Complainant Ron Leonard lives at 1912 Timberton Road, Sapulpa OK, 74066 in Creek County. Leonard Hired Benjamin Moore (DBA Moore's Construction) around February 2022 to complete a bathroom remodel for a total of **\$5,000.00**. Leonard paid an initial deposit of **\$2,500.00** by check #906. Moore failed to come back to the property and quit responding to inquires made by Leonard. Moore never completed any work, or refunded any money to Leonard. All financial transactions occurred in Creek County.

7. David Thornton resides at 9904 S 209th W AVE, Sapulpa OK, 74066 in Creek County. Thornton hired Benjamin Moore (DBA Moore's Construction) around March 2022, to build a front deck for a total of **\$2,450.00**. Thornton paid **\$1,225.00** by cashier's check to Moore. Thornton asked Moore several times when he would start, but Moore eventually ceased communication with Thornton. Moore never completed any work or refunded any money to Thornton. All financial transactions occurred in Creek County.

8. Tollie Dodson resides at 555 N. Rosedale Ave, Tulsa OK, 74127 in Tulsa County. Dodson hired Benjamin Moore (DBA Moore's Construction) in March 2022 to build a rear patio deck at a total cost of **\$6,076.00**. Dodson paid **\$3,100.00** by check #1126 to Moore. Dodson asked Moore several times when he would start, but Moore failed to show up and quit communicating with Dodson. Moore never completed any work or refunded any money to Dodson. All financial transactions occurred in Tulsa County.

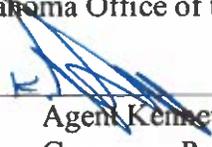
9. Dushyant Dhundara resides at 3314 N. 23rd W. Ave, Tulsa OK, 74127 in Tulsa County. Dhundara hired Benjamin Moore (DBA Moore's Construction) in June 2023, to build a fence for his residence at a total cost of **\$7,500.00**. Dhundara paid Moore **\$3,750.00** by Zelle. Dhundara asked Moore several times when he would start, but Moore failed to show up and quit communicating with Dhundara. Moore failed to start/complete any work nor did he ever refund any money to Dhundara.

10. Based on my investigation, the information I received, and the pattern and common scheme of conduct displayed by the Defendant Benjamin Moore, I believe the Defendant to have committed a pattern of criminal activity by employing a similar scheme of Embezzlement.

Your Affiant believes probable cause exists to show that the Defendant committed **nine counts (9) of Embezzlement Title 21 Section 1451 and one count (1) of Pattern of Criminal Offenses Title 21 Section 425**. The undersigned asks that this Court issue a finding of fact that there is probable cause to believe that the above-named Defendant committed these crimes and issue a warrant for the arrest of the above-named defendant.

Further affiant sayeth not.

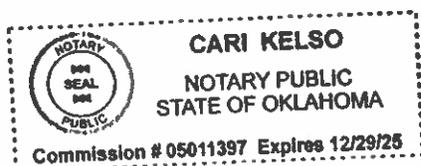
Oklahoma Office of the Attorney General

By: 
 Agent Kenneth Rodgers
 Consumer Protection Unit

SUBSCRIBED AND SWORN to before me this 20th day of October 2023


 Notary Public

Commission Expires: 12-29-2025
 Commission Number: 5011397



FINDING OF PROBABLE CAUSE

On this ____ day of _____ 2023, the above-styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court of **POTTAWATOMIE** County, State of Oklahoma, upon the above affidavit, requesting that a warrant of arrest be issued for the within-named defendant, and that he might be arrested and held to answer for the offenses of the following:

Nine (9) felony counts of Embezzlement 21 O.S. 1451 and one (1) felony count of Pattern of Criminal Offenses Title 21 O.S. 425.

Based upon said affidavit, I am satisfied and do hereby find that there is probable cause to believe that the within-named defendant has committed said offenses and that a warrant of arrest should be issued.

JUDGE OF THE DISTRICT COURT