



# OFFICE OF THE ATTORNEY GENERAL

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Catherine Cortez Masto, *Attorney General*

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**FOR IMMEDIATE RELEASE**  
**DATE: August 7, 2012**

**CONTACT: Jennifer López**  
**702-486-3782**

## **ATTORNEY GENERAL MASTO ANNOUNCES GUILTY PLEA OF DOOR-TO-DOOR VACUUM CLEANER SALESMAN WHO TARGETED SENIORS**

**Las Vegas, NV** – Nevada Attorney General Catherine Cortez Masto announced that Gary Harvey, 48, of Las Vegas, pled guilty today to one count of obtaining money under false pretenses from a person over 60 years of age.

Harvey admitted to fraudulently obtaining money while posing as a licensed distributor of Kirby Vacuums under the business name HARVCO and selling his product door-to-door to five persons over the age of 60 living in age-restricted communities in Las Vegas. As part of his plea, Harvey agreed to pay restitution totaling \$15,044 to 19 victims who made complaints about Harvey's conduct to the Nevada Attorney General's Office.

"This office will continue to make it a priority to protect the citizens of Nevada, in particular its senior citizens, from criminals such as Harvey who seek to defraud them," said Masto.

Harvey's guilty plea is the culmination of a months-long investigation by the Attorney General's Bureau of Criminal Justice Fraud Unit that revealed Harvey was selling vacuums door-to-door while falsely posing as a licensed Kirby distributor. All of the reported victims of Harvey's fraud lived in age-restricted communities.

When various victims attempted to seek a refund, Harvey gave numerous excuses and promised victims their money back but most never saw Harvey again.

"The Kirby Company applauds the efforts of the Attorney General of Nevada and is pleased it was able to provide assistance in protecting consumers," said Halle Sminchak, the Manager of Customer and Public Relations and Business Compliance for The Kirby Company, who was cooperative throughout the investigation.

Sentencing for Harvey is set for December 11 at 8:30 a.m. in District Court Department 20 with Clark County District Court Judge Jerome Tao. Harvey is facing up to six years in prison

for his plea, but can also receive probation for a period of up to five years with the court setting the conditions of his supervision.

This case was prosecuted by Senior Deputy Attorney General Brian Williams of the Bureau of Criminal Justice Fraud Unit.

Nevada consumers who believe they have been a victim of Gary Harvey, HARVCO, or a door-to-door scam are strongly encouraged to submit a written complaint to the Nevada Attorney General's Office. Contact the Nevada Attorney General's Bureau of Consumer Protection Hotline at 702-486-3132 and press "6" to receive instructions on how to submit a complaint.

Read the [criminal complaint here](#) and the [guilty plea agreement here](#).



**HARVEY, GARY BRADLEY**

*(Photo courtesy of Las Vegas Metropolitan Police Department)*

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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

APR 27 9 58 AM '12

STATE OF NEVADA,

Plaintiff,

v.

GARY BRADLEY HARVEY, ID#2780897

Defendant.

JUSTICE COURT  
LAS VEGAS  
BY JA Case No.: 12F06673X  
DEPUTY Dept. No.: 1

**CRIMINAL COMPLAINT**

The undersigned, CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, by and through her undersigned deputy, BRIAN WILLIAMS, under penalty of perjury, and within her knowledge, information and belief, complains and charges that, GARY BRADLEY HARVEY ("HARVEY"), the above-named Defendant, has committed the following offenses in the County of Clark, State of Nevada, as follows:

**COUNT ONE**  
**BURGLARY**

**(A Category B Felony in violation of NRS 205.060)**

Defendant, HARVEY, on or about November 3, 2011, within the County of Clark, in the State of Nevada, did by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: Defendant did enter the home of Zoie Denson with intent to obtain money by false pretenses therein.

All of which constitutes the crime of BURGLARY, a Category B Felony in Violation of NRS 205.060.

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Defendant, HARVEY, on or about December 28, 2011, within the County of Clark, in the State of Nevada, did by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: Defendant did enter the home of Linda Fong with intent to obtain money by false pretenses therein.

All of which constitutes the crime of BURGLARY, a Category B Felony in Violation of NRS 205.060.

**COUNT THREE**  
**BURGLARY**

**(A Category B Felony in violation of NRS 205.060)**

Defendant, HARVEY, on or about November 29, 2011, within the County of Clark, in the State of Nevada, did by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: Defendant did enter the home of Bonita Larison with intent to obtain money by false pretenses therein.

All of which constitutes the crime of BURGLARY, a Category B Felony in Violation of NRS 205.060.

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3 Defendant, HARVEY, on or about November 17, 2011, within the County of Clark, in the  
4 State of Nevada, did by day or night, enter any house, room, apartment, tenement, shop,  
5 warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle  
6 trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit  
7 grand or petit larceny, assault or battery on any person or any felony, or to obtain money or  
8 property by false pretenses, to wit: Defendant did enter the home of Betty Frink with intent to  
9 obtain money by false pretenses therein.  
10

11 All of which constitutes the crime of BURGLARY, a Category B Felony in Violation of  
12 NRS 205.060.

13 **COUNT FIVE**  
14 **BURGLARY**

15 **(A Category B Felony in violation of NRS 205.060)**

16 Defendant, HARVEY, on or about November 23, 2011, within the County of Clark, in the  
17 State of Nevada, did by day or night, enter any house, room, apartment, tenement, shop,  
18 warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle  
19 trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit  
20 grand or petit larceny, assault or battery on any person or any felony, or to obtain money or  
21 property by false pretenses, to wit: Defendant did enter the home of Betty Miller with intent to  
22 obtain money by false pretenses therein.

23 All of which constitutes the crime of BURGLARY, a Category B Felony in Violation of NRS  
24 205.060.

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Defendant, HARVEY, on or between November 3, 2011 and December 28, 2011, within the County of Clark, in the State of Nevada, did knowingly and designedly by any false pretense obtain from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, to wit: Defendant did pose as a door to door salesman for Kirby Vacuums and did sell to approximately five persons over the age of 60 vacuums which were either in poor repair or defective, and did obtain through these false pretenses approximately \$4,016.46 in total payments from these five individuals.

All of which constitutes the crime of Obtaining Money By False Pretenses From a Person Over the Age of 60, a Category B Felony in violation of NRS 205.380 and NRS 193.167.

**COUNT SEVEN**  
**FINANCIAL EXPLOITATION OF AN OLDER PERSON**  
**(A Category B Felony – NRS 200.5092(2)(b), NRS 200.5099(3)(b))**

Defendant, HARVEY, on or between November 3, 2011 and December 28, 2011, within the County of Clark, in the State of Nevada, did convert money, assets or property of the older person with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his or her money, assets or property, and the value of any money, assets and property obtained or used is more than SIX HUNDRED FIFTY DOLLARS (\$650) but less than FIVE THOUSAND DOLLARS (\$5,000), to-wit: Defendant did visit the homes of five persons over the age of 60 years of age and while posing as a Kirby Vacuum Cleaner Salesman did obtain approximately \$4,016.46 in payments for vacuums which were either defective or in poor condition, contrary to Defendant's representations.

All of which constitutes the crime of Exploitation of a Vulnerable Person, a Category B Felony, in violation of NRS 200.5092(2)(b) and NRS 200.5099(3)(b).

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Defendant, HARVEY, on or between November 3, 2011 and December 28, 2011, within the County of Clark, in the State of Nevada, did knowingly and with the intent to defraud, in the course of an enterprise or occupation engage in an act which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that the person knows to be false or omitted, the person intends another to rely on and results in a loss to any person who relied on the false representation or omission, to wit: Defendant did go door to door to various elderly persons and pose as a Kirby Vacuum salesman, even though he had been given no such authority by Kirby, and did sell used or defective vacuums while representing them as new to five different elderly persons, and as a result of these misrepresentations did obtain approximately \$4,016.46 in payments over a period of approximately 2 months.

All of which constitutes the crime of Multiple Transactions Involving Fraud or Deceit in the Course of Enterprise or Occupation, a Category B Felony in violation of NRS 205.377.

**COUNT NINE**  
**ENGAGING IN A DECEPTIVE TRADE PRACTICE, 1<sup>ST</sup> OFFENSE**  
**(A Misdemeanor in violation of NRS 598.0915 and NRS 598.0999)**

Defendant, HARVEY, on or between November 3, 2011 and December 28, 2011, within the County of Clark, in the State of Nevada, did knowingly make a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services for sale or lease or did knowingly make a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith or did represent that goods for sale or lease were original or new if he knew or should have known that they were deteriorated, altered, reconditioned, reclaimed, used or secondhand, to wit: Defendant did represent to five different

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a position of dispar.

All of which constitutes the crime of Engaging a Deceptive Trade Practice, 1<sup>st</sup> Offense, in violation of NRS 598.0915 and NRS 598.0999.

DATED this 27th day of April, 2012.

CATHERINE CORTEZ MASTO  
Attorney General

By:



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STATE OF NEVADA )

COUNTY OF CLARK )

APR 27 9 58 AM '12

ss:

JUSTICE COURT  
LAS VEGAS NEVADA

BY

DEPUTY

I, TODD GROSZ, being first duly sworn, deposes and states, under penalty of perjury, that I am the Affiant herein and I am an Investigator with the State of Nevada, Office of the Attorney General (OAG). I have been an investigator for the OAG for over six (6) years and I am currently assigned to the Bureau of Consumer Justice (BCJ), Fraud Unit. I have completed the Nevada POST Category 2 Basic Training in the summer of 2005 and have been serving as a peace officer since November 2005. In addition, I have completed 36 hours of a course entitled Financial Investigations Practical Skills Training where I learned investigative skills pertaining to forgery, fraud, and financial crimes. While serving in my position as an investigator I have been participated in executing over thirty (30) felony arrests. In addition, I have also assisted with the planning, preparation, and execution in various aspects of over forty-five (45) search warrants. Prior to receiving my position as an investigator for the OAG, I have been employed as a paralegal for the Nevada Attorney General's office, the Yuma County Attorney's office (Yuma, Arizona) and in various law firms in Las Vegas for over seven (7) years in the areas of litigation and criminal law. In addition, I hold a Bachelor of Science degree in the area of Paralegal Studies. These assertions are true and accurate to the best of my knowledge.

The BCJ has jurisdiction over the Nevada Deceptive Trade Practices Act contained in Nevada Revised Statutes ("NRS") 598 and Actions Which Constitute Theft by false pretenses, the provisions for which are contained in NRS 205.

In support of the assertions to constitute the existence of probable cause for the requested arrest warrant, the following facts constitute evidence, which tends to demonstrate the criminal offenses crimes of **BURGLARY**, a class B felony in violation of NRS 205.060, **THEFT – OBTAINING MONEY BY FALSE PRETENSES FROM A PERSON OVER THE**

3 **OF ENTERPRISE OR OCCUPATION**, a class B felony in violation of NRS 205.377 and  
4 **ENGAGING IN A DECEPTIVE TRADE PRACTICE, 1<sup>st</sup> OFFENSE**, a misdemeanor in  
5 violation of NRS 598.0915 and NRS 598.0999 have been committed between November 1,  
6 2011, and the present and continues to be committed by **GARY BRADLEY HARVEY**  
7 (hereinafter "**HARVEY**") doing business as **HARVCO**.

8 This affidavit is made of my own personal knowledge, except where stated on  
9 information and belief, and as to those matters, I believe them to be true and if called as a  
10 witness, I will competently testify thereto.

11 Your Affiant began his investigation after several complaints regarding the business  
12 practices of **HARVEY** and **HARVCO** were received by the State of Nevada, Office of the  
13 Attorney General in Carson City, Nevada. Several interviews were conducted telephonically  
14 by Investigator Ryan McDonald, of this office. However, due to the proximity of the victims  
15 and the subject to that office, the investigation was transferred to the office of the Nevada  
16 Attorney General's office located in Las Vegas, Nevada.

17 The five complaints received to that point, along with the subsequent interviews that  
18 were conducted with five additional victims, illustrated a pattern in which the subject,  
19 **HARVEY**, appeared to be targeting senior citizens. These ten victims ranged in age from  
20 seventy to eighty-two years of age, all of which lived in age restricted communities.

21 The five complaints that had been received did have slight variations, but generally  
22 alleged the same thing in which a purchase was made as a result of a solicitation by **HARVEY**  
23 claiming to be an authorized KIRBY dealer. When the victims realized that they did not  
24 receive what they were promised, a used vacuum as opposed to new, they cancelled or  
25 attempted to cancel the transaction. Attempts to cancel the transaction were made through a  
26 series of telephone calls and email communications with **HARVEY**. In one instance, **HARVEY**  
27 even picked up the vacuum. Refunds were promised to the victims, but the promises were

3 Your Affiant also learned that on March 4, 2012, a local television news station,  
4 channel 13, KTNV, aired a news story warning consumers of a potential scam involving  
5 **HARVEY** and **HARVCO**. The news story contained similar allegations that consumers had  
6 been solicited by **HARVEY** to purchase a KIRBY vacuum, expecting a new unit, but later  
7 discovering that the vacuum was several years old. When the consumers cancelled the  
8 transaction, no refunds were provided. A follow up news story aired on March 20, 2012.

9 The investigation conducted by your Affiant involved contacting some of the victims for  
10 additional information, as well as assembling a list of any additional victims. To date, your  
11 Affiant has learned of a total of twenty victims who have purchased a KIRBY vacuum from  
12 **HARVEY** who were unhappy with the purchase and attempted to get their money back.  
13 These additional victims were also senior citizens. Additional interviews were conducted with  
14 some of these victims. Documentation of banking transactions were collected to reveal who  
15 cashed the checks written by the victims as payment made to **HARVEY**. Photos from these  
16 transactions, along with information provided by the Indiana Bureau of Motor Vehicles, were  
17 assembled to make a positive identification of the subject who solicited the sales of the used  
18 KIRBY vacuums.

19 **VICTIM – ZOIE DENSON (Age 79, date of birth January 3, 1933)**

20 On April 5, 2012, your Affiant interviewed ZOIE DENSON (hereinafter "DENSON")  
21 regarding the complaint she had filed with this office. DENSON informed your Affiant that she  
22 was solicited at her residence located inside a senior's mobile home park by **HARVEY** on  
23 November 3, 2011 for a demonstration and subsequent purchase of a KIRBY vacuum.  
24 **HARVEY** supplied DENSON with a business card and sales contract that identified **HARVEY**  
25 as the owner of **HARVCO**. In addition, the information included the statements of "35 years  
26 Kirby sales" and "Over 20,000 kirbys sold" [sic]. DENSON said that even though the sales  
27 price started out around \$1800, she agreed to pay \$934, which she did with a personal check.

3 been cashed.

4 DENSON told Affiant that on November 4, 2011, she reviewed the sales contract for  
5 the KIRBY purchase where she learned **HARVEY** noted she had until November 7, 2011, to  
6 cancel the transaction. DENSON contacted **HARVEY** by telephone at the number listed on  
7 the documents **HARVEY** provided and she informed him of her intention to cancel the sale.  
8 **HARVEY** asked DENSON to sign the contract, and have it sent to him by email. DENSON  
9 followed **HARVEY**'s instructions. **HARVEY** sent communications to DENSON by email  
10 informing her that the transaction was cancelled. **HARVEY** said he would be in contact the  
11 next week to pick up the vacuum. To date, no refund has been given to DENSON, nor has  
12 **HARVEY** returned to pick up the vacuum.

13 Your Affiant made contact with personnel of DENSON's bank, Wells Fargo, regarding  
14 DENSON's cashed check that was given as payment to **HARVEY**. In response, your Affiant  
15 learned that the check was presented to the bank by an individual who also presented an  
16 Indiana driver's license as a form of identification. The driver's license was #3900-04-8394  
17 and it expired in June 2013. The subject presenting the check requested the entire amount of  
18 the check in cash.

19 DENSON has advised your Affiant that she is retired, living off of a small income of  
20 social security benefits and a small pension. DENSON lives in a mobile home community.

21 Your Affiant made a request to the Indiana Bureau of Motor Vehicles regarding the  
22 driver's license issued in Indiana with #3900-04-8394. The response was that this license had  
23 been issued to **GARY BRADLEY HARVEY**. The license expires on June 12, 2013.

24 This office has received communications from the KIRBY Company regarding  
25 **HARVEY**. HALLE SMINCHAK (hereinafter "SMINCHAK"), Manager of Customer and Public  
26 Relations and Business Compliance for the KIRBY Company has verified that at the time the  
27 transaction involving DENSON was made, **HARVEY** was not an authorized KIRBY dealer.

2 On April 5, 2012, your Affiant made contact with another victim, LINDA FONG  
3 (hereinafter "FONG"), regarding her complaint she had made with this office. When  
4 interviewed, FONG told your Affiant that she met **HARVEY** when he came to her home,  
5 located in an age restricted community, on December 27, 2011, soliciting demonstrations of a  
6 KIRBY vacuum. FONG said that **HARVEY** claimed to have been selling KIRBY vacuums for  
7 many years and that his grandfather owned a KIRBY store located at 7537 S. Rainbow Blvd.,  
8 Suite 107-61, Las Vegas, Nevada. This location was the address listed on the contract that  
9 **HARVEY** later provided to FONG. After the demonstration, FONG agreed to purchase the  
10 vacuum used in the demonstration for \$400. FONG gave **HARVEY** a check in this amount,  
11 check #125.

12 FONG provided your Affiant a copy of the sales contract prepared by **HARVEY**. The  
13 contract included the statements "Gary Harvey Owner". In addition, **HARVEY** had written on  
14 the contract the vacuum had a "full lifetime warntee" [sic]. **HARVEY** said the cancellation  
15 period was usually three days, but he extended the cancellation period to January 3, 2012.

16 Within minutes of **HARVEY** leaving FONG's residence, she started to inspect the  
17 vacuum more closely and she observed signs on the unit that the vacuum was old and worn.  
18 FONG decided immediately that she wanted to cancel the sale and utilizing the internet, she  
19 was able to determine through her bank's website that the check she gave **HARVEY** had  
20 already been cashed.

21 FONG unsuccessfully attempted to reach **HARVEY** by telephone to inform him of the  
22 cancellation. A message was left for **HARVEY**. Minutes later, FONG received a telephone  
23 call from **HARVEY** in which she cancelled the sale of the vacuum. **HARVEY** asked that  
24 FONG send him an email to that effect. On December 28, 2011, FONG sent the requested  
25 email to **HARVEY**. FONG received an acknowledgment from **HARVEY** stating he would pick  
26 up the unit, and refund FONG's money. Over the next two months, five appointments were  
27 made with **HARVEY** in order for him to pick up the vacuum. To date, **HARVEY** has failed to

address, FONG learned that the address was merely a mail box.

FONG was shown a report from the Indiana Bureau of Motor Vehicles regarding driver's license #3900-04-8394. FONG was able to positively identify **HARVEY** from the photo included with this report.

FONG has advised your Affiant that she and her husband are both retired, living off of a small income of social security benefits and income from some rental properties they own.

Your Affiant contacted personnel from Wells Fargo, the bank used by FONG, to request information regarding the person who cashed the check that was given to **HARVEY** by FONG. The person who cashed this check also presented an Indiana driver's license, #3900-04-8394, as identification.

**VICTIM – BONITA LARISON (Age 70, date of birth March 21, 1942)**

On April 6, 2012, contact was made with another victim, BONITA LARISON (hereinafter "LARISON"), by your Affiant, regarding her complaint she completed and filed with this office. LARISON stated that on November 29, 2011 she met **HARVEY** when he came to her residence soliciting KIRBY vacuums. LARISON lives in Sun City Summerlin, an age restricted community. According to LARISON, **HARVEY** said that he, along with his father and grandfather, have been working for KIRBY for many years.

During the demonstration of the vacuum, **HARVEY** showed LARISON a price sheet that identified **HARVEY** as owner of **HARVCO**, included the address on Rainbow Blvd. in Las Vegas that was previously mentioned, as well as a telephone number and an email address. The price sheet included the statement "KIRBY" and "COMMERCIAL GRADE HOME CARE SYSTEM". The sheet enumerated all of the features and warranty. The price was listed as \$2,142 and it named the payment methods accepted including a monthly payment schedule.

LARISON provided a copy of the sales contract that showed the final price, after discounts and a trade allowance, of \$1220.46. This included sales tax. A cancellation date of

3 was to be a free annual event. **HARVEY** stated he would have to return at a later date for this  
4 and they agreed upon December 5, 2011, at their scheduled appointment. **HARVEY** left the  
5 vacuum that was used to perform the demonstration, but said that he would provide the  
6 attachments at their next scheduled appointment.

7 **LARISON** said that on December 1, 2011, two days before the cancellation date, she  
8 started to inspect the vacuum much closer and found parts that she considered to be rather  
9 dirty and worn. **LARISON** was under the impression that she had received a new vacuum, not  
10 a used unit. On that date, **LARISON** called **HARVEY** and she expressed her unhappiness for  
11 receiving a used machine. **LARISON** told **HARVEY** that she wanted a new vacuum.

12 **HARVEY** returned to **LARISON**'s home on December 5, 2011, to shampoo the carpets.  
13 Since **HARVEY** was not able to finish the job, he made another appointment with **LARISON**.  
14 After this appointment, a series of missed or rescheduled appointments began. Appointments  
15 were rescheduled to return with all of the proper attachments, but these were missed and  
16 rescheduled.

17 On January 19, 2012, **HARVEY** returned to finish shampooing the carpet. **LARISON**  
18 again expressed her concern for receiving a used vacuum instead of a new unit. **HARVEY**  
19 wrote another sales contract for **LARISON** that included the statement he would exchange the  
20 vacuum on February 3, 2012. However, **HARVEY** failed to make this exchange. To this date,  
21 **LARISON** had not received her attachments, either. More attempts to reach **HARVEY**  
22 followed.

23 **LARISON** contacted **HARVEY** on approximately March 19, 2012 stating that if he  
24 provided a set of new attachments, she would keep the used vacuum. They agreed he would  
25 bring them to **LARISON** on March 21, 2012, her birthday. **HARVEY** failed to make this  
26 appointment as well.

27 Lastly, on April 2, 2012, **LARISON** wrote a letter to **HARVEY** stating that she wanted

3 the photo that the Indiana Bureau of Motor Vehicles had previously provided as **HARVEY**.  
4 **LARISON** was able to positively identify the person she knew as **HARVEY** as the person in  
5 the license photo.

6 **LARISON** has advised your Affiant that she and her husband are both retired, living off  
7 of a small income of only social security benefits. **LARISON** is receiving unemployment  
8 benefits, which will be expiring.

9 Your Affiant contacted **LARISON**'s bank for information relating to the person that  
10 cashed the check **LARISON** gave to **HARVEY**. Personnel from Wells Fargo provided the  
11 information that the person that presented **LARISON**'s check to be cashed, also presented an  
12 Indiana driver's license, #3900-04-8394, as identification. The cashed check was paid out in  
13 cash for the amount of the check.

14 **VICTIM – BETTY FRINK (Age 82, date of birth April 17, 1930)**

15 On April 16, 2012, your Affiant interviewed **BETTY FRINK** (hereinafter "FRINK")  
16 regarding the complaint that she had filed with this office to obtain additional information  
17 relating to the complaint. **FRINK** informed me that she first met **HARVEY** on November 17,  
18 2011, when he came to her residence, located within an age restricted community, for the  
19 purpose of soliciting the sale of a **KIRBY** vacuum.

20 During the course of the demonstration, **HARVEY** provided **FRINK** a price sheet that  
21 included the statements "KIRBY" and **COMMERICAL GRADE HOME CARE SYSTEM**, along  
22 with features of the unit, his telephone number, business address and email address. The  
23 document identified **HARVEY** as the owner of **HARVCO**. The price was listed as \$2142, but  
24 **HARVEY** offered the vacuum for \$1052 after he calculated several discounts. When **FRINK**  
25 agreed to the purchase, **HARVEY** completed a sales contract that included the same contact  
26 information along with a notice of cancellation. The contract stated that November 21, 2011,  
27 was the last day to cancel the sale. **FRINK** gave **HARVEY** a check for \$1052, check #2598,



3 According to FRINK, on November 19, 2011, she started attempting to contact  
4 **HARVEY** by telephone regarding the delivery of her new vacuum, but was unable to reach  
5 him. FRINK drove to 7537 S. Rainbow Blvd., Las Vegas, which was the address on the sales  
6 contract and price sheet. When FRINK was able to locate this address, she learned that no  
7 KIRBY office existed at this address.

8 FRINK found a telephone number for a KIRBY store on W. Charleston Ave., in Las  
9 Vegas. **HARVEY** had told her that his grandfather owned this store. When FRINK called this  
10 store, the person on the telephone informed FRINK that he was not related to **HARVEY**, but  
11 rather, he had been a customer of his store. To date, FRINK has not received any contact  
12 from **HARVEY**, nor has he returned to exchange the used demonstrator vacuum with the new  
13 unit that he had promised.

14 FRINK was shown a photo from an Indiana driver's license, #3900-04-8394. After  
15 viewing the photo, FRINK made a positive identification of **HARVEY** from this photo. This is  
16 the license information provided by the Indiana Bureau of Motor Vehicles as the license for  
17 **HARVEY**.

18 FRINK has advised your Affiant that she is retired, living off of a small income of social  
19 security benefits and a small pension. FRINK lives in a mobile home community, supporting  
20 her adult, handicapped son.

21 Your Affiant contacted personnel from FRINK's bank, Bank of America to obtain  
22 information regarding the individual that cashed FRINK's check. Documentation was provided  
23 that revealed the person who cashed the check that FRINK gave to **HARVEY** was presented  
24 at a branch of Bank of America by a person who also presented an Indiana driver's license,  
25 #3900-04-8394, as a form of identification.

26 **VICTIM – BETTY MILLER (Age 82, date of birth August 28, 1929)**

27 On April 16, 2012, your Affiant made contact with one of the complainants, BETTY

identified himself as "Brad Harvey" and said that his grandfather was "Gary Harvey". A business card was provided to MILLER that identified "Gary Harvey" as the owner of **HARVCO**. The business address listed on the card was 7537 S. Rainbow Blvd., Suite 107-61, Las Vegas, Nevada.

MILLER said that during the demonstration, **HARVEY** provided a price sheet that included the statements "KIRBY" and COMMERCIAL GRADE HOME CARE SYSTEM". The sheet enumerated all of the features and warranty. The price was listed as \$2,142 and it named the payment methods accepted included a monthly payment schedule.

MILLER claimed that **HARVEY** offered the vacuum, a "Diamond" model vacuum by reducing the price \$500 as a trade-in allowance for her vacuum. MILLER told **HARVEY** she was not interested in purchasing the vacuum. **HARVEY** placed a telephone call on his cellular telephone to his grandfather, "Gary Harvey". **HARVEY** claimed that he could reduce the price to \$1392. MILLER again replied that she was not interested. **HARVEY** reduced the price four more times until MILLER finally agreed to purchase the vacuum for \$425. MILLER wrote a check to **HARVEY**, check #320, for the amount of \$425.

**HARVEY** completed a sales contract for MILLER that included free vacuum bags, free carpet shampoo and an annual carpet cleaning. The cancellation period on the sales contract was written for November 26, 2011. Although MILLER knew that she was getting the vacuum that was used in the demonstration, she was under the impression that the vacuum was new.

On November 25, 2011, having second thoughts regarding the transaction, MILLER attempted to reach **HARVEY** by telephone to tell him she wanted to cancel the sale, but was unable. MILLER had to leave a message. Attempting to locate **HARVEY**, MILLER drove to the address on the business card, but found that no KIRBY store existed at that location. MILLER contacted her bank with the intentions of having the bank stop payment on the check. MILLER learned that the check was cashed on the day she provided the check to **HARVEY**,

3 Also, the person told MILLER that "Brad Harvey" would pick up the vacuum on November 29,  
4 2011. The person that MILLER knew as "Brad Harvey" did show up at her residence on  
5 November 28, 2011. During this visit, **HARVEY** wrote "cancelled" and "will receive refund" on  
6 the sales contract. **HARVEY** signed the document by each notation, and also by MILLER's  
7 signature on the contract where she had signed to cancel the sale. **HARVEY** said that the  
8 refund would be mailed to her in the form of a check.

9 Several contacts were made to **HARVEY** in which MILLER indicated she had not  
10 received her refund. A number of appointments were set in which **HARVEY** claimed that he  
11 would be bringing her the refund. To date, MILLER has not received her refund, despite  
12 **HARVEY** picking up the vacuum.

13 MILLER was shown a photo from an Indiana driver's license, #3900-04-8394. After  
14 viewing the photo, MILLER positively identified **HARVEY** from his photo as the person who  
15 came to her house regarding the KIRBY vacuum, and as the person she knew as Brad.

16 MILLER has advised your Affiant that she and her husband are both retired, living off of  
17 a small income of only social security benefits, in a mobile home community.

18 A request has been made to MILLER's bank regarding documentation as to the identity  
19 of the person that presented the check to be cashed. At this time, the information has not  
20 been received.

#### 21 **ADDITIONAL INVESTIGATION**

22 Your Affiant drove to the location 7537 S. Rainbow Blvd., Suite 107-61, Las Vegas,  
23 Nevada, which is listed on **HARVEY**'s business card and sales contracts relating to the sales  
24 he made of KIRBY vacuums to the above-mentioned victims. The business located at this  
25 address is Neighborhood Mailboxes Plus. Your Affiant was able to verify through personnel at  
26 this business that **HARVEY** rented a mailbox at this location on October 24, 2011. An Indiana  
27 driver's license, #3900-04-8394, was presented as identification of the person who was

2  
3 numbers and model numbers appearing on the vacuums being sold by **HARVEY**. From the  
4 information supplied by KIRBY Company, your Affiant learned that the vacuums being sold by  
5 **HARVEY** were manufactured as early as 2001, with the most recent model being  
6 manufactured in 2009.

7 In addition to this information, the KIRBY Company supplied a copy of the application  
8 submitted by **HARVEY** for a distributorship agreement between himself and the KIRBY  
9 Company. The application was noted received on September 24, 2003. The distributorship  
10 was terminated through correspondence sent to **HARVEY** on September 8, 2004. A copy of  
11 this letter was also supplied by KIRBY.

12 Your Affiant viewed the State of Nevada Secretary of State's website and was able to  
13 confirm that no listing existed for **HARVCO**. In fact, no business entity was found that listed  
14 **HARVEY** as a corporate officer.

15 An internet search was conducted to find a website related to **HARVCO** selling KIRBY  
16 vacuums in Nevada. No such website was found.

17 Your Affiant was unable to verify any business license for **HARVEY** or **HARVCO**  
18 through the internet website for neither Clark County nor the City Of Las Vegas.

19 With regards to the lack of business licensing, on March 6, 2012, Detective A. Lee of  
20 the Las Vegas Metropolitan Police Department (hereinafter "LVMPD") issued a citation, event  
21 #120306-1559, to **HARVEY** for not having a business license and no solicitor work card.  
22 Detective Lee had become involved with their investigation after PAUL NAFTEL (hereinafter  
23 "NAFTEL") filed a police report with the LVMPD regarding **HARVEY** and the sale of a KIRBY  
24 vacuum. After being contacted by Det. Lee, **HARVEY** admitted to selling vacuums door to  
25 door in Las Vegas, without a business license. As a result, **HARVEY** refunded NAFTEL's  
26 money.

27 Your Affiant is aware of twenty-one individuals who have purchased vacuums from

3 four other victims through a series of payments.

4 Your Affiant has learned that **HARVEY** claims to be working for National Security  
5 Alarms Inc. **HARVEY**'s business card for this business identifies himself as "Brad Harvey"  
6 and his title is "VP of Marketing". Allegedly, **HARVEY** is training door-to-door salesmen. The  
7 email address and the telephone number on the business card is the same information on the  
8 business cards **HARVEY** used when selling vacuums.

### 9 **CONCLUSION**

10 Based on your Affiant's investigation, your Affiant believes that **HARVEY** created a  
11 fictitious business, **HARVCO**, and through a ruse of operating a phony entity, he has been  
12 targeting senior citizens living on fixed incomes when selecting individual residents for the  
13 purpose of soliciting sales. Your Affiant believes that the use of a business name was an  
14 intentional step taken by **HARVEY** to make his scheme appear as legitimate as possible.

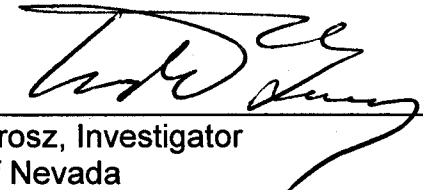
15 Your Affiant's investigation shows that **HARVEY** has deceived his victims through a  
16 variety of misrepresentations involving the existence of a phony business, the condition of the  
17 vacuums being sold, the existence of a cancellation policy, the promises for delivery or  
18 exchange of new attachments and new vacuums, his association with a legitimate KIRBY  
19 business and even his own identity. The totality of **HARVEY**'s false statements and actions,  
20 or a lack thereof, illustrate the scheme used by **HARVEY** to obtain money from his victims  
21 under false or misleading circumstances.

22 Your Affiant further believes that **HARVEY** will continue his pattern of broken promises  
23 and misrepresentations as he preys on vulnerable consumers until he is detained and faces  
24 criminal charges for his actions.

25 Based on your Affiant's investigation, it is respectfully submitted that the foregoing  
26 establishes probable cause to believe that **GARY BRADLEY HARVEY**, d/o/b June 12, 1963,  
27 d/b/a **HARVCO** has committed the crimes of **BURGLARY**, a class B felony in violation of NRS

200.5099(3)(b), **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION**, a class B felony in violation of NRS 205.377 and **ENGAGING IN A DECEPTIVE TRADE PRACTICE, 1<sup>st</sup> OFFENSE**, a misdemeanor in violation of NRS 598.0915 and NRS 598.0999 by obtaining the property, namely money, belonging to another person or persons by the use of a material misrepresentation, namely directly making false claims to victims regarding the sales, related service, cancellation of the sale and of the refund of any related money from sales of KIRBY vacuum cleaners, through his fictitious company, **HARVCO**, from November 1, 2011, to present, permanently deprived the victims of their money.

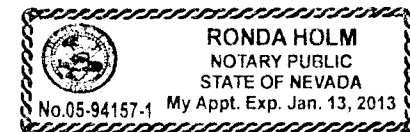
Wherefore, your Affiant requests that a warrant for the arrest of **GARY BRADLEY HARVEY** be issued.



Todd Grosz, Investigator  
State of Nevada  
Office of the Attorney General  
Bureau of Consumer Justice, Fraud Unit

STATE OF NEVADA  
COUNTY OF CLARK  
SUBSCRIBED and SWORN TO before me  
by Todd Grosz  
this 26<sup>th</sup> day of April, 2012

  
NOTARY PUBLIC, in and for said  
County and State



COPY

1 **GMEM**  
2 CATHERINE CORTEZ MASTO  
3 Attorney General  
4 By: BRIAN WILLIAMS  
5 Senior Deputy Attorney General  
6 Nevada Bar Number 10469  
7 Criminal Justice Division  
8 555 E Washington Avenue, Suite 3900  
9 Las Vegas, Nevada 89101  
10 P: (702) 486-3699  
11 F: (702) 486- 2377  
12 Attorney for State of Nevada

**FILED IN OPEN COURT**  
STEVEN D. GRIERSON  
CLERK OF THE COURT

AUG 07 2012

BY, \_\_\_\_\_  
CAROLE D'ALOIA, DEPUTY

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 \* \* \*

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 GARY BRADLEY HARVEY ID#2780897

15 Defendant.

CASE NO.: C-12-282802-1

DEPT. NO.: XX

16  
17 **GUILTY PLEA AGREEMENT**

18 I, GARY BRADLEY HARVEY, hereby agree to plead guilty to: **OBTAINING MONEY**  
19 **UNDER FALSE PRETENSES FROM A PERSON OVER THE AGE OF 60**, a Category "B"  
20 Felony in violation of NRS 205.380 and NRS 193.167, as more fully alleged in the charging  
21 document attached hereto as Exhibit "1".

22 My decision to plead guilty is based upon the plea agreement in this case which is as  
23 follows:

24 1. I, GARY BRADLEY HARVEY, will enter a plea of GUILTY to the sole count of  
25 the Criminal Information, **OBTAINING MONEY UNDER FALSE PRETENSES FROM A**  
26 **PERSON OVER THE AGE OF 60**, a Category "B" Felony in violation of NRS 205.380 and  
27 NRS 193.167;

28 ///

1           2.     The State agrees not to oppose probation for a period not to exceed five years,  
2 but is free to argue for the term of Defendant's underlying sentence and also for terms and  
3 conditions of probation except that it will not seek any jail time as a condition of probation;

4           3.     Defendant agrees to pay \$15,044.46 in restitution to 19 named victims who have  
5 made complaints to the Attorney General's Office concerning Defendant and \$1,000.00 in  
6 restitution to the Nevada Attorney General's Office Bureau of Criminal Justice, Fraud Division  
7 to defray the costs of prosecution during his period of probation;

8           4.     Defendant agrees to commit no new crimes other than minor traffic offenses  
9 during his period of probation;

10          5.     Defendant agrees to forfeit the \$5000.00 cash ball he posted at the time of  
11 sentencing when ball is exonerated, with the proceeds being used first to pay restitution for  
12 the five victims named in the criminal complaint- Betty Miller, Betty Frink, Linda Fong, Bonita  
13 Larison, and Zole Denison, with the remaining amount being applied to restitution for the other  
14 victims;

15          6.     Both parties stipulate that due to Defendant's agreement by his plea of guilty to  
16 repay the 19 victims who have made complaints to the Attorney General's Office that any  
17 sales contracts entered into between the victims and Defendant are null and void, and any  
18 vacuums the victims have in their possession by way of Defendant will remain in their  
19 possession;

20          7.     If Defendant abides by all of these terms and conditions while on probation,  
21 specifically paying his restitution and investigative fees in full and staying out of trouble, at the  
22 close of his probationary period the State will not oppose the withdrawal of his plea of guilty to  
23 Obtaining Money Under False Pretenses From a Person Over the Age of 60 and allow him to  
24 enter a guilty plea to a new charge of Conspiracy to Commit Theft, a Gross Misdemeanor in  
25 violation of NRS 205.0832, 205.0835(4), and NRS 199.480, with no additional sentence  
26 recommended.

27                 I have entered into these negotiations and have signed this document of my own free  
28 will without threat or promise on the part of anyone other than expressed herein.



1 Furthermore, I understand that if the State of Nevada has agreed to recommend or  
2 stipulate to a particular sentence or has agreed not to present argument regarding the  
3 sentence, or agreed not to oppose a particular sentence, any such agreement by the State is  
4 contingent upon my appearance in court on the initial sentencing date and any subsequent  
5 date if the sentencing is continued.

6 I understand that if I fail to appear for the scheduled sentencing date or I commit a new  
7 criminal offense prior to sentencing the State of Nevada would regain the full right to argue for  
8 any lawful sentence.

### 9 CONSEQUENCES OF THE PLEA

10 I understand that by pleading guilty I admit the facts which support all the elements of  
11 the offense(s) to which I now plead as set forth in Exhibit "1".

12 I understand that as a consequence of my plea of guilty to Count I, OBTAINING  
13 MONEY UNDER FALSE PRETENSES BY A PERSON OVER THE AGE OF 60, a Category  
14 "B" Felony, I may be punished by imprisonment in the state prison for a minimum term of not  
15 less than one (1) year and a maximum term of not more than six (6) years, and may be further  
16 punished by a fine of not more than \$10,000. I understand that the law requires me to pay an  
17 Administrative Assessment Fee of \$25.00.

18 I understand that pursuant to NRS 193.167, the Judge at the time of sentencing shall  
19 impose, in addition to the underlying sentence for OBTAINING MONEY UNDER FALSE  
20 PRETENSES BY A PERSON OVER THE AGE OF 60, a term of imprisonment in the state  
21 prison for a minimum term of not less than 1 year and a maximum term of not more than 20  
22 years, and that this term must run consecutive. In determining the length of the additional  
23 penalty imposed, the court at the time of sentencing shall consider the following information:

- 24 (a) The facts and circumstances of the crime or criminal violation;
- 25 (b) The criminal history of the person;
- 26 (c) The impact of the crime or criminal violation on any victim;
- 27 (d) Any mitigating factors presented by the person; and
- 28 (e) Any other relevant information.

1 I understand that for both the underlying offense and the sentencing enhancement  
2 probation is an option at the time of sentencing. I understand that, if appropriate, I will be  
3 ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to  
4 the victim of any related offenses which are being dismissed or not prosecuted pursuant to  
5 this agreement. I will also be ordered to reimburse the State of Nevada for any expenses  
6 related to my extradition, if any.

7 I understand the Attorney General's Office shall not be bound by any oral negotiations  
8 preceding the actual execution of this Agreement until such time as this Agreement has been  
9 actually executed, that is, signed by the prosecutor representing the State of Nevada and the  
10 Attorney General's Office and I have entered my plea before the court.

11 I also understand that information regarding charges not filed, dismissed charges, or  
12 charges to be dismissed pursuant to this agreement may be considered by the judge at  
13 sentencing.

14 I have not been promised or guaranteed any particular sentence by anyone. I know that  
15 my sentence is to be determined by the Court within the limits prescribed by statute. I  
16 understand that if my attorney or the State of Nevada or both recommend any specific  
17 punishment to the Court, the Court is not obligated to accept the recommendation.

18 I understand if the offense to which I am pleading guilty to was committed while I was  
19 incarcerated on another charge or while I was on probation or parole that I am not eligible for  
20 credit for time served toward the instant offenses.

21 I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not  
22 a citizen of the United States, I may, in addition to other consequences provided by law, be  
23 removed, deported, and/or excluded from entry into the United States or denied naturalization.

24 I understand that the Division of Parole and Probation will prepare a report for the  
25 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
26 sentencing, including my criminal history. This report may contain hearsay information  
27 regarding my background and criminal history. My attorney and I will each have the  
28 opportunity to comment on the information contained in the report at the time of sentencing.

1 Unless the Attorney General has specifically agreed otherwise, the Attorney General may also  
2 comment on this report.

3 **WAIVER OF RIGHTS**

4 By entering my plea of guilty, I understand that I am waiving and forever giving up the  
5 following rights and privileges:

6 1. The constitutional privilege against self-incrimination, including the right to refuse to  
7 testify at trial, in which event the prosecution would not be allowed to comment to the jury  
8 about my refusal to testify.

9 2. The constitutional right to a speedy and public trial by an impartial jury, free of  
10 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the  
11 assistance of an attorney, either appointed or retained. At trial the State would bear the  
12 burden of proving beyond a reasonable doubt each element of the offense charged.

13 3. The constitutional right to confront and cross-examine any witnesses who would  
14 testify against me.

15 4. The constitutional right to subpoena witnesses to testify on my behalf.

16 5. The constitutional right to testify in my own defense.

17 6. The right to appeal the conviction, with the assistance of an attorney, either  
18 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional  
19 or other grounds that challenge the legality of the proceedings and except as otherwise  
20 provided in subsection 3 of NRS 174.035.

21 **VOLUNTARINESS OF PLEA**

22 I have discussed the elements of all of the original charges against me with my attorney  
23 and I understand the nature of the charges against me.

24 I understand that the State would have to prove each element of the charges against  
25 me at trial.

26 I have discussed with my attorney any possible defenses, defense strategies and  
27 circumstances which might be in my favor.

28 ///

1 All of the foregoing elements, consequences, rights, and waiver of rights have been  
2 thoroughly explained to me by my attorney.

3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
4 that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
7 set forth in this agreement.

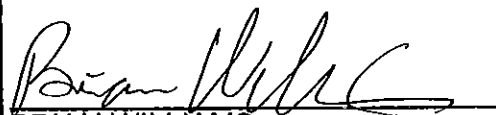
8 I am not now under the influence of any intoxicating liquor, a controlled substance or  
9 other drug which would in any manner impair my ability to comprehend or understand this  
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its  
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 7 day of August, 2012.

14   
15 GARY BRADLEY HARVEY  
16

17 AGREED TO BY:

18   
19 BRIAN WILLIAMS  
20 Senior Deputy Attorney General  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

4. To the best of my knowledge and belief, the Defendant:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the defendant as certified in paragraphs 1 and 2 above.

DATED this 7 day of August, 2012.

  
ATTORNEY FOR DEFENDANT