


District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	DATE FILED: December 16, 2020 1:47 PM FILING ID: D4A8FE6EAE978 CASE NUMBER: 2020CR15215
Plaintiff: THE PEOPLE OF THE STATE OF COLORADO Defendant: TYLER TYSDAL	COURT USE ONLY Case Number: Grand Jury No. 20CR2B Div.: Criminal Ctrm: 424
INDICTMENT	

SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, 11-51-501(1)(b) C.R.S.
 (F3) <50052> 1-3 (3 counts)

The Grand Jury presents the within Indictment and the same is ordered filed.

Dated this 16 day of December, 2020.



 Martin F. Egelhoff
 Presiding Judge
 Denver District Court

Subscribed and sworn to before me in the County of Denver, State of Colorado, this

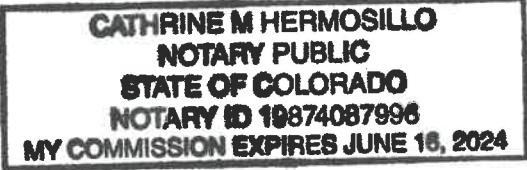
16th day of December, 2020.

Cathrine M Hermosillo


Notary Public

My commission expires:

06/16/2024



BETH McCANN
District Attorney

By: 
I.L. SHAMSID-DEEN, Reg. No. **41051**
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COUNT ONE

SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, 11-51-501(1)(b) C.R.S. (F3)
<50052>

Between and including **November 9, 2016 and September 7, 2018**, at and triable in the City and County of Denver, State of Colorado, **TYLER TYSDAL**, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading upon [REDACTED]; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT TWO

SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, 11-51-501(1)(b) C.R.S. (F3)
<50052>

Between and including **December 8, 2016 and September 7, 2018**, at and triable in the City and County of Denver, State of Colorado, **TYLER TYSDAL**, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading upon [REDACTED]; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT THREE

SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, 11-51-501(1)(b) C.R.S. (F3)
<50052>

Between and including **December 15, 2016 and September 7, 2018**, at and triable in the City and County of Denver, State of Colorado, **TYLER TYSDAL**, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading upon [REDACTED]; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

The facts supporting Counts 1, 2, and 3 are as follows:

1. All facts in support of all other counts are incorporated here by reference.
2. TCC V, LLC (TCC V), a limited liability company, was incorporated in Colorado on or about May 16, 2016. The stated business plan of TCC V was to raise funds from investors that would be reinvested in a wine importing and reselling business, Curious Cork Imports, LLC (CCI). The business address for TCC V was 5500 Greenwood Plaza Boulevard, Suite 230, City of Greenwood Village, County of Arapahoe, State of Colorado, 80111.

3. CCI is a limited liability company incorporated in Colorado, originally as Off the Leash Imports, LLC on or about June 30, 2009. The name was subsequently changed in 2012 to CCI. As previously stated, CCI was engaged in the business of importing and reselling wine. The business address for CCI was 5500 Greenwood Plaza Boulevard, Suite 230, City of Greenwood Village, County of Arapahoe, State of Colorado, 80111.

4. Impact Opportunities Fund, L.P. (IOF), a limited partnership, was incorporated in Delaware and registered as a foreign entity in Colorado on or about September 30, 2011. Tysdal was the original founder of IOF. The stated business plan of IOF was a private equity fund that would invest in a portfolio of companies. The business address for IOF was 210 University Blvd., Suite 650, City and County of Denver, State of Colorado, 80206.

5. Cobalt Sports Capital, LLC (Cobalt), a limited liability company, was incorporated in Colorado on or about December 1, 2011. The stated business plan of Cobalt was making short term, high interest rate loans to athletes and entertainers. Cobalt would generate income through loan origination fees and interest income. As one of IOF's portfolio companies, IOF capitalized Cobalt with a \$1 million equity investment. The business address for Cobalt was 210 University Blvd., Suite 650, City and County of Denver, State of Colorado, 80206.

6. TitleCard Capital 1Fund, L.P. (1Fund), a limited partnership, was incorporated in Delaware on or about March 11, 2015. Tysdal was the original founder of 1Fund. The stated business plan of 1Fund was a private equity fund that would invest in a portfolio of companies. The business address for 1Fund was 7265 S. Revere Parkway, Suite 902, Centennial, CO 80112.

7. At all times relevant to this indictment, Tysdal was in control, directly or indirectly, of TCC V. Tysdal controlled all money that came into TCC V, directing how investor funds would be deposited, spent and transferred between and among all the companies, businesses, corporations or entities associated with IOF.

8. In October 2016, Tysdal approached several different investors, to include but not limited to, [REDACTED] and [REDACTED], with the opportunity to invest in TCC V and CCI stating the following:

- a) That CCI was doing well financially and poised to have continued success,
- b) That investor funds would be used to expand the distribution and sales of CCI's private label wine,
- c) That CCI was valued at over \$15 million,
- d) That CCI's private label wine alone was expected to be worth \$25 million in the year following the deposit of investor funds,
- e) That investors could expect a return equal to 10 to 15 times their investment,
- f) That TCC V had thoroughly investigated CCI prior to soliciting funds from investors.

9. On or about November 9, 2016, based on representations made or caused to be made by Tysdal, [REDACTED] invested \$100,000.00 in TCC V. On May 17, 2017, based on representations made or caused to be made by Tysdal, [REDACTED] invested an additional \$100,000 in TCC V.

10. On or about December 8, 2016, based on representations made or caused to be made by Tysdal, [REDACTED] invested \$100,000.00 in TCC V. On March 7, 2017, based on representations made or caused to be made by Tysdal, [REDACTED] invested an additional \$100,000 in TCC V.

11. On or about December 15, 2016, based on representations made or caused to be made by Tysdal, [REDACTED] invested \$100,000.00 in TCC V.

12. In connection with the offer and sale of securities to [REDACTED], [REDACTED] and [REDACTED], Tysdal failed to disclose material facts about TCC V, including, but not limited to, the following:

- a) That in January 2016, a fund controlled by Tysdal, IOF, sold its equity interest in CCI to 1Fund for \$100,
- b) That companies in IOF's portfolio, including Cobalt and CCI, experienced continued financial difficulties,
- c) That unbeknownst to Cobalt debt investors, Tysdal had loaned millions of dollars of Cobalt's funds to other IOF portfolio companies, including CCI, through an entity called Cobalt Corporate Credit, LLC,
- d) That in October 2016 limited partners in IOF sued Tysdal in Denver District Court alleging that Tysdal had operated a fraudulent \$31 million investment scheme and sought the appointment of a receiver over 1Fund and Cobalt, a request that the court promptly granted,
- e) That CCI was specifically mentioned in the \$31 million lawsuit,
- f) That in January 2017 Cobalt stopped making interest payments to its debt investors,

13. The omitted facts in Paragraph 12 were material facts which would have altered the investors' decision to invest in TCC V.

14. As a result of the deceptive securities-related investment promoted by Tysdal, all three investors sustained losses, with a total loss of \$500,000.

