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DISTRICT OF ARIZONA
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REDACTED FOR
PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Jo Ann Marks
a.k.a. Jo Ann Priebe,

Defendant.

No.: CR 26-1386-PHX-MTL (DMF)

INDICTMENT

VIO: 18 U.S.C. § 1343
Wire Fraud
(Counts 1-4)

18 U.S.C. § 1341
Mail Fraud
(Counts 5-7)

18 U.S.C. §§ 1159(a) and (b)(1)(A)(i)
Misrepresentation of Indian
Produced Goods
(Count 8-11)

18 U.S.C. §§ 981 and 982
21 U.S.C. § 853
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

At all times material to this indictment, within the District of Arizona and elsewhere:

BACKGROUND INFORMATION

1. Beginning in or about May 2016, and continuing through in or about May 2025, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe ("MARKS"), operated online jewelry businesses on eBay and Etsy, initially from her home in Phoenix, Arizona, and later from

Louisville, Kentucky. Throughout this period, MARKS regularly offered, displayed for sale, and sold jewelry items through these platforms, including to consumers in Arizona. These items were falsely advertised as "Native American," "Native American Indian," "Native American Santo Domingo Pueblo," "Traditional Pueblo," and similar designations that falsely suggested the pieces were Indian produced, Indian products, or the authentic work of particular tribes or Native American artisans. MARKS marketed these items using various online store names, as well as other online accounts she created after prior listings were removed by eBay and Etsy for suspected violations of the Indian Arts and Crafts Act ("IACA").

2. In 2016, the Indian Arts and Crafts Board ("IACB"), an agency within the United States Department of the Interior, received complaints from various individuals that MARKS was selling jewelry falsely represented as Native American made. The IACB sent MARKS a certified letter advising her of potential IACA violations.

3. MARKS advertised her business as a mother/daughter team who design and create their own jewelry that represents their Native American heritage. MARKS also advertised that, "[w]e [are] affiliated with the Choctaw Nation of Oklahoma. I am Native American and because of that Choctaw Nation of Oklahoma HAS GAVE ME THE RIGHT TO SELL MY Native American JEWELRY." The IACB conducted research into MARKS's Native American enrollment status and on or about June 9, 2016, the Choctaw Nation of Oklahoma's enrollment office reported that they had no record of MARKS being a member of the Nation.

4. After some of MARKS's online listings were removed for improper Native American marketing, MARKS continued selling similar jewelry items using different online store names. Complaints submitted to the IACB in 2019 showed that MARKS continued to falsely advertise large volumes of jewelry as Native American, despite the IACB's prior warnings and removals.

5. Between in or about October 2021 and in or about March 2023, undercover agents with the U.S. Fish and Wildlife Service ("FWS") conducted numerous covert purchases from MARKS's eBay and Etsy stores. The agents purchased earrings, rings, pendants, necklaces, and other pieces that MARKS advertised as authentic Native American jewelry with specific tribal

associations. All purchased items were shipped by MARKS from Louisville, Kentucky, through the United States Postal Service to undercover agents located in Chandler, Arizona, and Boise, Idaho.

6. Specialists in Native American jewelry from the Heard Museum in Phoenix, Arizona, examined the jewelry items purchased covertly. The specialists determined that nearly all of the examined jewelry was not authentic Native American work. With one exception, the pieces advertised by MARKS as Native American or affiliated with particular tribes and covertly purchased were found to have been falsely represented. The specialists concluded that most of these items were mass-produced, including cast pieces and bench-work jewelry inconsistent with the techniques, materials, and craftsmanship used by genuine Native American artisans.

7. FWS conducted an interview with A.M., the daughter of MARKS. A.M. confirmed that she previously engaged in jewelry sales with MARKS and was familiar with MARKS's business. According to A.M., MARKS consistently acquired a substantial majority of the jewelry inventory, at least 90%, from an individual who operated a business in Phoenix, Arizona. A.M. noted that neither that individual nor business marketed or advertised the jewelry sold as authentic Native American made, and that the vast majority of the items sold by the business bore labels indicating they were "Made in the Philippines." Furthermore, A.M. stated that the business owner informed A.M. and MARKS that the raw materials, such as turquoise, were exported to the Philippines where the final casting took place. A.M. stated that she and MARKS would take the "Made in the Philippines" stickers off the jewelry items before photographing the jewelry items they posted on the website to sell to the public. A.M. stated that MARKS instructed A.M. to advertise the jewelry as Santo Domingo.

8. Between on or about October 1, 2021, and on or about August 19, 2024, MARKS sold approximately 706 items on eBay that she marketed as Native American, Native American Indian, Native American Zuni, Native American Santo Domingo Pueblo, Native American Navajo, and Native American Traditional Pueblo, totaling approximately $45,566 in sales.

9. Between on or about October 1, 2021, and on or about October 27, 2023, MARKS sold approximately 48 items on Etsy that she marketed as Native American, Native American

Indian, Native American Zuni, Navajo Zuni, Navajo, and Native American Santo Domingo Pueblo, totaling approximately $3,100 in sales.

10. Between on or about February 21, 2018, and on or about October 27, 2023, across both Etsy and eBay, MARKS sold approximately $76,030 in items that she marketed as Native American, Native American Indian, Native American Zuni, Native American Navajo, Navajo Zuni, and Native American Santo Domingo Pueblo.

11. MARKS knowingly misrepresented her jewelry as Indian produced or as the product of particular tribes when she knew that the jewelry she advertised and sold was not Indian produced, not an Indian product, and not the product of a particular Indian or Indian Tribe or Indian arts and crafts organization. MARKS continued offering and selling these items for years despite receiving formal notice of suspected IACA violations and having her listings removed for misrepresentation.

COUNTS 1 – 4
Wire Fraud
(18 U.S.C. § 1343)

12. The factual allegations set forth in the previous paragraphs are realleged and incorporated herein.

13. Beginning at a time unknown to the Grand Jury, but at least as early as in or about November 2016, and continuing to in or about May 2025, in the District of Arizona and elsewhere, defendant JO ANN MARKS, a.k.a. Jo Ann Priebe knowingly and willfully devised and intended to devise a scheme and artifice to defraud purchasers of jewelry and to obtain money and property from those purchasers by means of materially false and fraudulent pretenses, representations, and promises, and by the concealment and omission of material facts.

14. It was the purpose of the scheme for MARKS to obtain money from purchasers of jewelry by advertising jewelry for sale on eBay and Etsy while falsely representing material facts concerning the jewelry, including by falsely advertising and representing the jewelry as being Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization.

MANNER AND MEANS

15. In furtherance of the scheme, MARKS created and operated online jewelry businesses on eBay and Etsy where PRIEBE regularly offered, displayed for sale, and sold jewelry items to consumers that were falsely advertised and represented as "Native American," "Native American Indian," "Native American Santo Domingo Pueblo," "Traditional Pueblo," and similar designations, when in fact MARKS knew that material representations contained in the jewelry advertisements were false when she made them and that not all of the advertised items were actually Indian produced, Indian products, or the authentic work of particular tribes or Native American artisans.

16. In furtherance of the scheme, MARKS falsely suggested that she herself is Native American, specifically a member of the Choctaw Nation of Oklahoma, and that the Choctaw Nation gave her the right to sell her Native American jewelry, when in fact MARKS was not a member of or affiliated with the Choctaw Nation of Oklahoma, and is not a member of or affiliated with any Federally or State recognized Native American tribe, or certified as a nonmember Indian artisan.

17. In furtherance of the scheme, MARKS falsely suggested that she designs and creates her own jewelry, when in fact much of the jewelry sold on MARKS 's online jewelry businesses was purchased from wholesalers, mass produced, and made in the Philippines.

18. MARKS made the above representations with the intent of inducing purchasers to rely upon them and to pay money for the jewelry, and purchasers, relying upon MARKS's false representations, purchased jewelry through MARKS's eBay and Etsy stores and transmitted payments electronically to MARKS.

USE OF THE WIRES

19. On or about the dates set forth below, in the District of Arizona and elsewhere, MARKS, for the purpose of executing and in furtherance of the scheme described above, and attempting to do so, knowingly and with intent to defraud caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below, specifically electronic transmission of an online advertisement for jewelry through the servers and computer

networks of eBay, Etsy, and its service providers, which were material to the execution of the scheme because they induced consumer purchases, on the dates listed below, each online advertisement constituting a separate count:

COUNT	DATE	LISTING	WIRE TYPE
1	8/11/2023	Native American Santo Domingo Pueblo Slab Earrings PowWow	eBay Advertisement
2	9/21/2023	Native American Nevada Turquoise Necklace 22" Done With Silver Chain	Etsy Advertisement
3	10/2/2023	Native American Sterling Silver And Green Turquoise Hoop Earrings	Etsy Advertisement
4	10/10/2023	Native American Silver And Fire Opal And spiny hoop Earrings	eBay Advertisement

All in violation of 18 U.S.C.§ 1343.

COUNTS 5-7
Mail Fraud
(18 U.S.C. § 1341)

20. The factual allegations set forth in the previous paragraphs are realleged and incorporated herein.

21. From in or about May 2016, through in or about May 2025, in the District of Arizona and elsewhere, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe, with the intent to defraud, devised the above-described scheme and artifice to defraud and to obtain money by materially false and fraudulent pretenses, representations, and promises.

22. On or about the dates set forth below, in the District of Arizona, for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud and deprive, MARKS knowingly caused to be delivered by United States Postal Service mail, according to the direction thereon, the following matter:

COUNT	DATE	MISREPRESENTED JEWELRY ITEM
5	8/19/2022	Native American Abalone Shell Large Feather Pendant
6	12/3/2022	Native American Sterling Silver rectangle shaped pendant with multiple Stones
7	3/24/2023	Native American Indian Jewelry Sterling Silver Micro Inlay Storyteller Earrings

All in violation of 18 U.S.C. § 1341.

COUNT 8
Misrepresentation of Indian Produced Goods
(18 U.S.C. §§ 1159(a) and (b)(1)(A)(i))

23. On or about August 11, 2023, in the District of Arizona and elsewhere, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe, did willfully and knowingly offer and display for sale goods online at a total price of $1,000 or more, specifically jewelry not made by an Indian, in a manner that falsely suggested these goods as being Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States, when in truth and in fact, as she there and then well knew and believed, the goods were not Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization.

All in violation of 18 U.S.C. §§ 1159(a) and (b)(1)(A)(i).

COUNT 9
Misrepresentation of Indian Produced Goods
(18 U.S.C. §§ 1159(a) and (b)(1)(A)(i))

24. On or about September 21, 2023, in the District of Arizona and elsewhere, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe, did willfully and knowingly offer and display for sale goods online at a total price of $1,000 or more, specifically jewelry not made by an Indian, in a manner that falsely suggested these goods as being Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States, when in truth and in fact, as she there and then well knew and believed, the goods were not Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization.

All in violation of 18 U.S.C. §§ 1159(a) and (b)(1)(A)(i).

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COUNT 10
Misrepresentation of Indian Produced Goods
(18 U.S.C. §§ 1159(a) and (b)(1)(A)(i))

25. On or about October 2, 2023, in the District of Arizona and elsewhere, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe, did willfully and knowingly offer and display for sale goods online at a total price of $1,000 or more, specifically jewelry not made by an Indian, in a manner that falsely suggested these goods as being Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States, when in truth and in fact, as she there and then well knew and believed, the goods were not Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization.

All in violation of 18 U.S.C. §§ 1159(a) and (b)(1)(A)(i).

COUNT 11
Misrepresentation of Indian Produced Goods
(18 U.S.C. §§ 1159(a) and (b)(1)(A)(i))

26. On or about October 10, 2023, in the District of Arizona and elsewhere, the defendant, JO ANN MARKS, a.k.a. Jo Ann Priebe, did willfully and knowingly offer and display for sale goods online at a total price of $1,000 or more, specifically jewelry not made by an Indian, in a manner that falsely suggested these goods as being Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States, when in truth and in fact, as she there and then well knew and believed, the goods were not Indian produced, an Indian product, and the product of a particular Indian or Indian Tribe or Indian arts and crafts organization.

All in violation of 18 U.S.C. §§ 1159(a) and (b)(1)(A)(i).

FORFEITURE ALLEGATIONS

27. The factual allegations set forth in the previous paragraphs are realleged and incorporated herein.

28. Pursuant to 18 U.S.C. §§ 981 and 982, 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), upon conviction of one or more of the offenses alleged in counts 1 through 7 above, the Defendant

shall forfeit to the United States all right, title, and interest in any and all property, real or personal, involved in such offenses, or in any property traceable to such property involved in such offenses, including the following: (a) all money or other property that was the subject of each transaction or transfer in violation of a statute listed in 18 U.S.C. § 982, (b) all other property constituting proceeds obtained as a result of those violations, and (c) all property used in any manner or part to commit or to facilitate the commission of those violations, including but not limited to the sum of money representing the amount of money involved in the offenses. This includes the following property:

A sum of money equal to at least $76,030.37 in U.S. currency, representing proceeds obtained directly or indirectly from the offenses.

29. If any of the above-described forfeitable property, as a result of any act or omission by the defendant, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property and cannot be divided without difficulty, it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461.

A TRUE BILL

s/
FOREPERSON OF THE GRAND JURY
Date: November 17, 2026

TIMOTHY COURCHAINE
United States Attorney
District of Arizona

s/
DUSTIN JOHNSON
Special Assistant U.S. Attorney